

## Parish of Jefferson

**S.S.**

**Twenty-Fourth Judicial District Court**

JOHN M. MANOULIDES, District Attorney, of the Twenty-Fourth Judicial District Court of the State of Louisiana, who, in the name and by the authority of the said State, prosecutes in its behalf, in proper person comes into the Twenty-Fourth Judicial District Court of the State of Louisiana, in and for the PARISH OF JEFFERSON and gives the said Court here to understand and be informed that one .

SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUBRY N. WALLACE  
SAMUEL B. WALLACE

late of the Parish aforesaid, on or about the FIFTEENTH day of DECEMBER in the year of our Lord One Thousand Nine Hundred EIGHTY-EIGHT with force and arms, in the Parish aforesaid, and within the jurisdiction of the Twenty-Fourth Judicial District Court of Louisiana, in and for the Parish aforesaid, violated R.S. 40:967 in that they did knowingly and intentionally possess a controlled dangerous substance, to wit: over 200 grams but less

than 400 grams of Cocaine,

SECOND COUNT: And the District Attorney further gives the Court to understand and be informed that on or about the FIFTEENTH day of DECEMBER, 1988, the said ARNOLD N. WALLACE and AUBRY N. WALLACE violated R.S. 40:966 in that they did knowingly and intentionally possess a controlled dangerous substance, to wit: Phencyclidine,

contrary to the form of the Statute of the State of Louisiana, in such case made and provided, and against the peace and dignity of the State.

COMPLAINT NUMBER L-11183-88

221

Assistant District Attorney

Form • JPG-1229.99.22

**HP EXHIBIT 81**

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, \_\_\_\_\_, and that they were placed thereon by said defendant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, MORRIS MARLES, and that they were placed thereon by said defendant this 22 day of March, 1993.  
J. J. Sand  
 Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, SAMUEL B. WALLACE, and that they were placed thereon by said defendant this 10 day of Oct., 1990.

Deputy Sheriff

The State of Louisiana

No. 89-1

Filed January 19, 1998  
 District Attorney  
 District Attorney

RS. 40: 967 Over 200 Grams Cocaine  
 POSSESSION  
 OF A CONTROLLED  
 DANGEROUS SUBSTANCE  
 R. 40-967 Post-plea/cite  
 (4th & 4th Nalage Only)  
 JOHN M. MAMOUIDES  
 DISTRICT ATTORNEY

INFORMATION FOR

SAMUEL B. WALLACE  
 6305 FOURTH ST 2A

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1946

STATE OF LOUISIANA  
Parish of Jefferson  
GRETNA, LA.

24th Judicial District Court  
for the Parish of Jefferson

BE IT REMEMBERED, That on this 5<sup>th</sup> day of January  
in the year of our Lord, one thousand, nine hundred and 88, before me,  
Harry Lee Sheriff of the Parish of Jefferson, State of Louisiana,  
personally came and appeared Aubrey Wallace as principal, and

American Bankers Insurance Company as surety who severally  
acknowledge themselves indebted, and owe to Charles Roemer Governor  
of the State of Louisiana, and his successor in office, in the several sums following, that is to say:  
The said Aubrey Wallace the sum of \$45,000 00 Dollars,  
The said \_\_\_\_\_ the sum of \_\_\_\_\_ Dollars,  
The said \_\_\_\_\_ the sum of \_\_\_\_\_ Dollars,  
The said American Bankers Insurance Co. the sum of \$45,000 00 Dollars,  
of good and lawful money of the United States, for the true payment of which respective sums they and  
each of them bind themselves, their respective heirs, executors and administrators firmly by these presents.  
Also we waive all our Homestead Exemptions allowed us by the laws of this State.

UPON CONDITION, nevertheless, that if the above bounden Aubrey Wallace  
shall be and appear before the Hon. 24th Judicial District Court of the State of Louisiana, to be held at  
the District Court House, in the Parish of Jefferson, on \_\_\_\_\_ To \_\_\_\_\_ the \_\_\_\_\_ be \_\_\_\_\_ day of  
notified \_\_\_\_\_, A.D. 19\_\_\_\_, or if the said Court should not be held on the day last aforesaid, then on  
the first day thereafter that the said Court shall be held, then and there to answer to the charge brought  
against him for 967-967-966

and shall not depart without the leave of the said Court, until the final trial and conviction or acquittal  
of the said Aubrey Wallace, and shall keep the peace in the meantime, then this  
recognizance to be void; otherwise to remain in full force and effect.

Agent - American Bankers Insurance Co.

Aubrey Wallace  
6305 4th MAR 2 30 PM '88  
347-3656  
221 Derbigny Street Gretna, La. 70053

1-31286-D  
BOND NO. \_\_\_\_\_  
COMPLAINT NO. L1118888 L1118888  
DATE OF BIRTH \_\_\_\_\_  
ARREST DATE 1-15-88  
RELEASE DATE 1-15-88  
DEPOSIT NO. \_\_\_\_\_  
RECEIVED  
JPSO

1947

# **POWER OF ATTORNEY** **AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA**

VOID IF NOT ISSUED BY: 10/25/89

POWER AMOUNT \$ \*\*\*100,000.00\*\*\*

POWER NO.

A100-00832189

KNOW ALL MEN BY THESE PRESENTS that the American Bankers Insurance Company of Florida, a corporation duly organized and existing under the laws of the State of Florida and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on October 28, 1937, which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is to be used with Bail Bonds only. Not valid if used in conjunction with Federal Immigration Bonds. This power void if altered or amended. Void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in cases of the United States or of any State or Territory or of the District of Columbia or of any foreign country.

The Power of Attorney shall not exceed the sum of:

\*\*\*ONE HUNDRED THOUSAND DOLLARS\*\*\*

When provided the Power of Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in the Power of Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, THE AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA has caused these presents to be signed by its duly authorized attorney-in-fact, proper for the purpose and its corporate seal to be hereunto affixed this 5th day of JAN 19 39

By 42,000.00  
 Defendant Walter  
 Court 24th St.  
 City St. J.  
 State La.  
 If rewrite, original  
 Executing Agent Jan. Marston



By R. Spencer Douglas  
 R. Spencer Douglas  
 Attorney-in-Fact  
**FOR STATE USE ONLY**  
**NOT VALID IF USED IN FEDERAL COURT**

## **STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_, who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to-wit: The sum of \_\_\_\_\_ Dollars.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

## **STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_, who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to-wit: The sum of \_\_\_\_\_ Dollars.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

## **STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_, who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has

1948

3020901177

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 02/22/89  
ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT

--ARRAIGNMENT - PLEAD NOT GUILTY

THE DEFENDANT WAS  
REPRESENTED BY JOE TOSH, THE ATTORNEY OF RECORD.

THE DEFENDANT  
WAIVED THE READING OF THE BILL OF INFORMATION AND  
ENTERED A PLEA OF NOT GUILTY

WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE  
DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.  
TRIAL SET FOR APRIL 10, 1989--PT--4-5-89 AT 1:30 P.M.

THE NEXT COURT DATE IS 04/10/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
MAR 1 1989

ENTRY 2

PAGE 1 OF \_\_\_\_\_

1949

30262011

STATE OF LOUISIANA  
VS.

SAMUEL WALLACE

NO. 89-0001  
DIVISION N  
DATE 02/22/89  
COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON

JUDGE: JAMES CANNELLA

THE DEFENDANT SAMUEL WALLACE  
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT

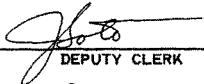
---ARRAIGNMENT - PLEAD NOT GUILTY

THE DEFENDANT WAS  
REPRESENTED BY JOE TOSH , THE ATTORNEY OF RECORD.

THE DEFENDANT  
WAIVED THE READING OF THE BILL OF INFORMATION AND  
ENTERED A PLEA OF NOT GUILTY  
WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE  
DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.  
TRIAL SET FOR APRIL 10. 1989--PT--4-5-89 AT 1:30 P.M.

THE NEXT COURT DATE IS 04/10/89 AT 09:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

  
DEPUTY CLERK

ON APPEALS  
MAR 1 1989

ENTRY

2A

PAGE 1 OF \_\_\_\_\_

1950

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 04/11/89  
ET AL COURT REPORTER- SANDI MANCOCK

DISTRICT ATTORNEY: J MOLAISSON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE -- SAMUEL WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:


CONTINUED AND RE-SET FOR MAY 15, 1989--PT--MAY 10, 1989 1:30PM.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 05/15/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
APR 19 1989

ENTRY 3

PAGE 1 OF

2

1951

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 05/15/89  
ET AL COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: J MOLAISSON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE SAMUEL WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR JUNE 19, 1989--FT--6-14-89 AT 1:30 PM.  
THE ACTION WAS TAKEN:  
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 06/19/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
MAY 18 1989

ENTRY 

3

PAGE 1 OF \_\_\_\_\_



1952

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 06/19/89  
ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISSON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE


DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE  
THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR AUGUST 21, 1989--PT--8-16-89 AT 1:30PM.  
THE ACTION WAS TAKEN:  
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 08/21/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO AT LARGE

  
DEPUTY CLERK

ENTRY 5

JUN 28 1989

ON MENTRES

PAGE 1 OF 1

1953

STATE OF LOUISIANA  
VS.  
ARNOLD N. WALLACE  
AUDRY N. WALLACE  
SAMUEL WALLACE

NO. 89-0001  
DIVISION N  
DATE 08/21/89  
COURT REPORTER- SANDE HANCOCK

DISTRICT ATTORNEY: JOHN MOLAISSON, JR.

JUDGE: JAMES CANNELLA

THE DEFENDANTS ARNOLD N. WALLACE  
AUDRY N. WALLACE  
SAMUEL WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY JOE TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR 9-11-89 ,PRE-TRIAL SET 9-6-89.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY,

THE NEXT COURT DATE IS 09/11/89 AT 09:00 - TRIAL

*Peggy Harris*  
DEPUTY CLERK

NO. 89-0001  
AUG 30 1989

ENTRY #6

PAGE 1 OF

1954

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 09/11/89  
, ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISSON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY JOE TUSH

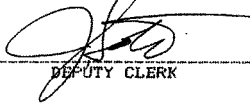
--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR OCTOBER 23, 1989--PT-10-18-89 AT 1:30PM.  
THE ACTION WAS TAKEN:  
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 10/23/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO SAM WALLACE IN FED. CUSTODY

  
DEPUTY CLERK

ENTRY 7

ON MINUTES  
NOV 10 1989

PAGE 1 OF \_\_\_\_\_

6

1955

10128902988

OCT 10 1989

OCT 18 1989

**DIV. N**

JUDGE

JAMES L. CANNELLA

WRIT OF HABEAS CORPUS

STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

for the

vs.

PARISH OF JEFFERSON

SAMUEL WALLACE

E/K

No. 89-1, 89-2395, 89-2361

The State of Louisiana to U. S. MARSHALLS SERVICE, 500 CAMP ST., NEW ORLEANS, LA.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on TUESDAY the 24th day of OCTOBER 1989, at 9:00 o'clock A. M., the ~~DEFENDANT~~ SAID DEFENDANT

and to then and there show cause why the said DEFENDANT is detained and why he should not be

PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA

Judge of the said Court, this

9TH day of OCTOBER

89

in the year of our Lord 19

Clerk's Office, Courthouse, Gretna, La.

Deputy Clerk.

JPG-1219.99.48

1956

10128902989

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE 4-6-58 N/M

STATE OF LOUISIANA

DIVISION " N "

NO: 89-1; 89-2395; 89-2361

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one SAMUEL WALLACE,  
is now confined in the ORLEANS PARISH PRISON.

That it is necessary for the aforesaid SAMUEL WALLACE  
\_\_\_\_\_ to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on TUESDAY the 24th day of OCTOBER,  
19 89, at 9:00 a.m., to be TRIED,  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to U.S. MARSHALS SERVICE  
500 CAMP ST., N.O., LA, requiring (him, them) to produce  
the body of SAMUEL WALLACE, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on TUESDAY the 24th day of  
OCTOBER, 19 89, at 9:00 a.m., Division " N ",  
at Gretna, Louisiana to be TRIED,  
for the crime of POSS. WITH INTENT TO DIST. PCP;  
POSS. OF COCAINE, in the  
above numbered and entitled cause.

John J. Molaison, Jr.  
JOHN J. MOLAISSON, JR.  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON

1957

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to  
U.S. MARSHALS SERVICE, EASTERN DISTRICT OF LOUISIANA  
500 CAMP ST., N.O., LA  
ordering and directing (him, them) to produce the body of  
SAMUEL WALLACE before the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on the 24<sup>th</sup> day of OCTOBER, 19 89, at  
9:00 a.m., at Gretna, Louisiana, to be  
TRIED for the crime of POSS. WITH INTENT  
TO DIST. PCP; POSS. OF COCIANE in the matter entitled  
State of Louisiana vs. SAMUEL WALLACE  
Number 89-1; 89-2395;, of the Criminal Docket of this Court.  
89-2361  
Gretna, Louisiana, September 29, 19 89.

/s/ JAMES L. CANNELLA

J U D G E

1958

ATTACHMENT

48676400

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

ENTERED  
IN MOTION

SEP 27 2 29 PM '89

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of SAMUEL B. WALLACE B/M DOB [REDACTED]  
6305 FOURTH ST. #2A, MARRERO, LA.

and that you have HIM before our said Court, on the

INSTANTER

to answer for a contempt in neglecting or

refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE JAMES L. CANNELLA JUDGE OF THE SAID COURT

No. 89-2361 THE 26TH DAY OF SEPTEMBER 19 89

R.S. 40:967 POSS W/INTENT TO DIST.

COCAINE  
Clerk's Office, Courthouse, Gretna, La.

J. Soto  
Deputy Clerk

JPG 1219.25

1959

ATTACHMENT

48676400

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

ENTERED

SEP 27 2 29 PM '89

De

IN MOTION

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of SAMUEL B. WALLACE B/M DOB [REDACTED]  
6305 FOURTH ST. #2A, MARRERO, LA.

and that you have HIM before our said Court, on the

INSTANTER

to answer for a contempt in neglecting or

refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE JAMES L. CANNELLA

JUDGE OF THE SAID COURT

No. 89-2395

THE

26TH

DAY OF

SEPTEMBER

19 89

R.S. 40:967 POSS. OF COCAINE

Clerk's Office, Courthouse, Gretna, La.

J. Soto

Deputy Clerk

JPG 1219.25



1960



OFFICE OF  
JOHN M. MAMOULIDES  
DISTRICT ATTORNEY  
TWENTY-FOURTH JUDICIAL DISTRICT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

OCT 10 1989

10-23

September 26, 1989

U.S. Marshals Service  
Eastern District of Louisiana  
500 Camp Street  
New Orleans, Louisiana 70130

N.O.

RE: Samuel Wallace  
DOB [REDACTED] N/M

Dear Sir:

On February 22, 1989, in the 24th Judicial District, Parish of Jefferson at Gretna, Louisiana, the captioned subject pled not guilty to possession with intent to distribute PCP and possession of cocaine. Said subject appeared before the Honorable James Cannella, Judge, Division "N" of the 24th Judicial District Court.

There is now pending in our jurisdiction the trial involving the above matter. The trial is scheduled for October 23, 1989 thru October 27, 1989.

The name and address of the court issuing writ is as follows:

Judge: Honorable James Cannella

Court: 24th Judicial District Court, Parish of Jefferson, State of Louisiana.

Address of Court: Honorable James Cannella, Twenty-Fourth Judicial District Court, Division "N" Jefferson Parish Courthouse Annex Gretna, Louisiana 70053

John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana is making request for production.

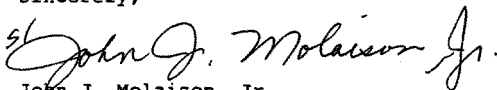
The inmate will be confined in the Jefferson Parish Correctional Center, 100 Delhonde Street, Gretna, Louisiana, during legal proceeding.

1961

RE: Samuel Wallace  
page 2

It is requested that the inmate be released to the custody of the State of Louisiana, via the Jefferson Parish Sheriff's Office the week of October 23-27, 1989 and that he should be returned to the Federal Custody in the Orleans Parish Prison upon completion of court.

Sincerely,

A handwritten signature in cursive script, reading "John J. Molaison, Jr.", written in dark ink.

John J. Molaison, Jr.  
Assistant District Attorney  
Parish of Jefferson  
State of Louisiana

JJM/yh

1962

**HARRY LEE** SHERIFF



September 22, 1989

U.S. Marshals Service  
Eastern District of La.  
500 Camp Street  
New Orleans, La. 70130

REFERENCE: SAMUEL B. WALLACE  
B/M DOB: [REDACTED]  
HOUSED BY SHERIFF FOTI, NOCSO

Dear Sir:

This is to certify that the above-named inmate will be provided safekeeping, custody, and care while in the custody of the Jefferson Parish Correctional Center and that said Jefferson Parish Correctional Center will assume full responsibility for that custody, and will return the inmate on conclusion of the inmate's appearance in the proceeding for which the writ issues, and that I have the full power and authority to make this certification for said Jefferson Parish Correctional Center as the Correctional Administrator for that authority.

GARY SCHWABE Gary Schwabe  
Printed named/signature

9/22/89  
date

Freda T. Gingin Freda T. Gingin  
Witness' Printed named/signature

9/22/89  
date

1963

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
ARNOLD N. WALLACE

NO. 89-0001  
DIVISION N  
DATE 10/23/89  
,ET AL COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: J MOLAISSON

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE  
THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR DECEMBER 11, 1989.  
THE ACTION WAS TAKEN:  
AT THE REQUEST OF THE DEFENDANT ATTORNEY.  
SAMUEL WALLACE WAS NOT PRESENT--ISSUE WRIT--- FEDERAL

THE NEXT COURT DATE IS 12/11/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ENTRY *SA*

NOV 10 1989  
ON MINUTES

9

PAGE 1 OF

1964

STATE OF LOUISIANA

VS.

SYLVIA M. CLOFER

REGINALD FRANCIS

MELVA A. MAYES

NO. 89-0001

DIVISION N

DATE 12/11/89

,ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: D GANUCHEAU

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR FEBRUARY 12, 1990-PT--2-7-90 AT 1:30 PM.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

STATE OBJECTED.

THE NEXT COURT DATE IS 02/12/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
DEC 26 1989

ENTRY

PAGE 1 OF

1965

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 02/13/90  
ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: D GANUCHEAU

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR MARCH 12, 1990--PT--3-7-90 AT 1:30 PM.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

STATE OBJECTED.

THE NEXT COURT DATE IS 03/12/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

30 MINUTES  
FEB 28 1990

ENTRY/D

10

PAGE 1 OF \_\_\_\_\_

1966

STATE OF LOUISIANA  
VS.  
SYLVIA M. CLOPER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001  
DIVISION N  
DATE 03/14/90  
ET AL COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: D GANUCHEAU

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOPER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:


CONTINUED AND RE-SET FOR MAY 14, 1990.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 05/14/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO DEPT AT LARGE

  
DEPUTY CLERK

MAR 23 1990  
CLERK'S OFFICE

ENTRY //

PAGE 1 OF

1967

STATE OF LOUISIANA, PARISH OF JEFFERSON  
24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA M. CLOFER, REGINALD FRANCIS  
MELVA M. MAYES, ARNOLD N. WALLACE  
AUBRY N. WALLACE, SAMUEL WALLACE

Division "H" FOR "N"

Date MAY 14, 1990  
C.R.—L. BARRAS

DISTRICT ATTORNEY L. ALTERMAN JUDGE H. VONDENSTEIN

CONTINUANCES

The defendant S CLOFER, FRANCIS, ARNOLD WALLACE, AUBRY WALLACE appeared before the  
bar of the court this day for TRIAL

He was:

1. ( X ) represented by JOE TOSH, attorney.
2. ( ) unrepresented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.
2. ( ) continued without date.
3. ( X ) continued and re-set for JUNE 25, 1990--PT--6-20-90 AT 1:30 PM

The action was taken:

1. ( ) at the request of the assistant district attorney.
2. ( ) at the request of the defendant attorney.
3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.
4. ( X ) by order of the court.

MELVA MAYES AND SAMUEL WALLACE WERE NOT PRESENT.

ON MINUTES  
MAY 25 1990

  
Deputy Clerk

Entry No. 12

JPG 1219 04

Crim. #3-Cont.



1968

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE [REDACTED] n/m  
DIVISION " N "

STATE OF LOUISIANA

NO: 89-1

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one SAMUEL WALLACE  
is now confined in the U.S. MARSHALLS SERVICE 500 CAMP ST.  
NEW ORLEANS, LA.  
That it is necessary for the aforesaid \_\_\_\_\_

SAMUEL WALLACE to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on MONDAY the 25TH day of JUNE,  
19 90, at 9:00 a.m., to be TRIED  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
U. S. MARSHALLS SERVICE, 500  
issued from this Honorable Court to CAMP ST., NEW ORLEANS, LA.

\_\_\_\_\_, requiring (him, them) to produce  
the body of SAMUEL WALLACE, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on MONDAY the 25TH day of  
JUNE, 1990, at 9:00 a.m., Division " N ",  
at Gretna, Louisiana to be TRIED  
for the crime of POS. WITH INTENT TO DIST. PCP, in the  
above numbered and entitled cause.

ON RECEIVED  
JUN 14 1990

*Anne Lambert*

ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

(3)

1969

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to  
U.S. MARSHALLS SERVICE, 500 CAMP ST., NEW ORLEANS, LA.

ordering and directing (him, them) to produce the body of  
SAMUEL WALLACE before the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on the 25TH day of JUNE, 19 90, at  
9:00 a.m., at Gretna, Louisiana, to be  
TRIED for the crime of POSS. WITH INTENT  
TO DIST., PCP, POSS. OF in the matter entitled  
COCAINE  
State of Louisiana vs. SAMUEL WALLACE  
Number 89-1, of the Criminal Docket of this Court.  
Gretna, Louisiana, MAY 15, 1990.

JUN 14 1990

24  
JUN 14 1990

James D. Cassell  
J U D G E



1970

STATE OF LOUISIANA

VS.

SYLVIA M. CLOFER

REGINALD FRANCIS

MELVA A. MAYES

NO. 89-0001

DIVISION N

DATE 06/28/90

,ET AL COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: D CANUCHEAU

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR AUGUST 13, 1990--PT-7-25-90 AT 1:30.

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY,  
STATE OBJECTED.

THE NEXT COURT DATE IS 08/13/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

*Sammy A. Nichols*  
DEPUTY CLERK

ON MINUTES  
JUL 3 1990

ENTRY 13

PAGE 1 OF

13

1971



OFFICE OF  
JOHN M. MAMOULIDES  
DISTRICT ATTORNEY  
TWENTY-FOURTH JUDICIAL DISTRICT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

Aug 13

NLT ~~RECEIVED~~ June 29, 1990

Marshall James V. Serio Jr.  
U.S. Marshall's Office  
500 Camp St.  
New Orleans, LA

RE: Samuel Wallace  
DOB: [REDACTED] n/m

Dear Marshall Serio:

On December 15, 1988, May 11, 1989, and May 22, 1989, in the 24th Judicial District, Parish of Jefferson at Gretna, Louisiana, the captioned subject was charged with Possession with Intent to Distribute Cocaine, Possession of Cocaine(2cts), Possession with Intent to Distribute PCP and Possession of PCP.

There is now pending in our jurisdiction a trial date set for August 13, 1990.

The name and address of the court issuing writ is as follows:

Judge: Honorable James Cannella

Court: 24th Judicial District Court, Parish of Jefferson, State of Louisiana

Address of Court: Honorable James Cannella, Twenty Fourth Judicial District Court, Division "N" Jefferson Parish Courthouse Annex Gretna, Louisiana 70053

John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana is making request for production.

1972

Marshall Jam Serio  
RE: Wallace Samuel  
Page 2

The aforementioned trial is set for Monday,  
August 13, 1990 at 9:00 a.m. in Division "N".

Sincerely,

A handwritten signature in cursive script, appearing to read "W. J. Leblanc".

W. J. Leblanc  
Assistant District Attorney  
Parish of Jefferson  
State of Louisiana

1973

**HARRY LEE** SHERIFF



July 3, 1990

U.S. Marshal  
U.S. Dept. of Justice  
U.S. Marshals Service  
Eastern District of La.  
500 Camp Street Rm. 600  
New Orleans, La. 70130

REFERENCE: SAMUEL WALLACE  
B/M DOB: [REDACTED]

Dear Sir:

This is to certify that the above-named inmate will be provided safekeeping, custody, and care while in the custody of the Jefferson Parish Correctional Center and that said Jefferson Parish Correctional Center will assume full responsibility for that custody, and will return the inmate on conclusion of the inmate's appearance in the proceeding for which the writ issues, and that I have the full power and authority to make this certification for said Jefferson Parish Correctional Center as the Correctional Administrator for that authority.

*Louis Vedros*

*[Signature]*  
Printed named/signature

*7/3/90*  
date

*Frederic T. Gignier*

*[Signature]*  
Witness' Printed named/signature

*7/3/90*  
date

1974

**DIV. N**

WRIT OF HABEAS CORPUS  
AD PROSEQUENDUM  
JUDGE  
STATE OF LOUISIANA, PARISH OF JEFFERSON JAMES L. CANNELLA

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

for the

vs.

PARISH OF JEFFERSON

SAMUEL WALLACE NM

No. 89-1-89-2,89-2361,  
89-2395

The State of Louisiana to US, MARSHALL'S OFFICE--JAMES V. SERIO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th  
Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on

MONDAY, the 13TH day of AUGUST, in the year 19 90, at  
9:00  
~~10:00~~ o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be  
PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this

30TH day of JULY, in the year of our Lord 19 90.

Clerk's Office, Courthouse, Gretna, La., 19

JPG-1219.99.48

Deputy Clerk.

1975

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE

STATE OF LOUISIANA

n/m

DIVISION " N "

NO: 89-1,89-2,89-2361,89-2395

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one Samuel Wallace,  
is now confined in the U.S. Marshall's Office.

That it is necessary for the aforesaid Samuel Wallace  
to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on Monday the 13th day of August,  
19 90, at 9:00 a.m., to be Tried  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to Marshall James V. Serio Jr  
, requiring (him, them) to produce  
the body of Samuel Wallace, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on Monday the 13th day of  
August, 19 90, at 9:00 a.m., Division " N ",  
at Gretna, Louisiana to be Tried  
for the crime of Poss. With Intent Dist. Cocaine, Poss. in the  
of Cocaine, Poss. With Intent Dist. PCP, Poss. Cocaine,  
above numbered and entitled cause. Poss. of PCP

W. J. LeBlanc  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA



1976

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to

Marshall James V. Serio Jr.

ordering and directing (him, them) to produce the body of

Samuel Wallace before the 24th Judicial

District Court for the Parish of Jefferson, State of Louisiana,

on the 13th day of August, 19 90, at

9:00 a.m., at Gretna, Louisiana, to be Tried

for the crime of Poss.W/Int.Dist.

Cocaine, Poss. of Cocaine (2cts),

Poss.W/Int.Dist.PCP & Poss.PCP in the matter entitled

State of Louisiana vs. Samuel Wallace

Number 89-1,2,2361,2395, of the Criminal Docket of this Court.

Gretna, Louisiana, June 29, 19 90.

James D. Canale  
J U D G E

1977

WRIT OF HABEAS CORPUS  
AD PROSEQUENDUM  
STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

for the

vs.

PARISH OF JEFFERSON

SAMUEL WALLACE NM

No. 89-1-, 89-2, 89-2361,

The State of Louisiana to U.S. MARSHALL'S OFFICE--JAMES V. SERIO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th  
Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on  
MONDAY, the 13TH day of AUGUST, in the year 1990, at  
9:00  
15300 o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be  
PRESENT FOR TRIAL.

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA

Judge of the said Court, this

30TH

day of JULY

1990

Clerk's Office, Courthouse, Gretna, La.,

1990

JPG-1219.99.48

Deputy Clerk.

DIV. N  
JUDGE  
JAMES L. CANNELLA

James

1978

WRIT OF HABEAS CORPUS  
AD PROSEQUENDUM  
STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

for the

vs.

PARISH OF JEFFERSON

SAMUEL WALLACE NM [REDACTED]

No. 89-1-, 89-2, 89-2361,

The State of Louisiana to U.S. MARSHALL'S OFFICE--JAMES V. SEBTO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th  
Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on  
MONDAY, the 13TH day of AUGUST, in the year 1990, at  
9:00  
1545 o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be  
PRESENT FOR TRIAL.

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA

Judge of the said Court, this

30TH day of JULY

in the year of our Lord 19 90

Clerk's Office, Courthouse, Gretna, La.

19

JPG-1219.99.48

*[Signature]*  
Deputy Clerk.

DIV. N  
JUDGE  
JAMES L. CANNELLA

22

1979

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE

STATE OF LOUISIANA

n/m

DIVISION " N "

NO: 89-1,89-2,89-2361,89-2395

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one Samuel Wallace  
is now confined in the U.S. Marshall's Office

That it is necessary for the aforesaid Samuel Wallace  
to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on Monday the 13th day of August  
19 90, at 9:00 a.m., to be Tried  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to Marshall James V. Serio Jr  
, requiring (him, them) to produce  
the body of Samuel Wallace, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on Monday the 13th day of  
August, 19 90, at 9:00 a.m., Division " N ",  
at Gretna, Louisiana to be Tried  
for the crime of Poss. With Intent Dist. Cocaine, Poss. in the  
of Cocaine, Poss. With Intent Dist. PCP, Poss. Cocain  
above numbered and entitled cause. Poss. of PCP

W. J. LeBlanc  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

1980

STATE OF LOUISIANA, PARISH OF JEFFERSON  
24th Judicial District Court

State of Louisiana

vs.

No. 89-1

SYLVIA M. CLOFER, REGINALD FRANCIS, MELVA A.

Division "N"

MAYES, ARNOLD N. WALLACE, AUDRY N. WALLACE  
SAMUEL WALLACE

Date AUGUST 16, 1990

C.R.-K. WESTMORELAND

DISTRICT ATTORNEY W. J. LEBLANC

JUDGE

J. CANNELLA

CONTINUANCES

The defendant SAMUEL WALLACE IS IN FEDERAL CUSTODY. appeared before the  
bar of the court this day for TRIAL

He was:

1. ( ☒ ) represented by JOE TOSH, attorney.
2. ( ) unrepresented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.
2. ( ) continued without date.
3. ~~( )~~ continued and re-set for OCTOBER 15, 1990

The action was taken:

1. ( ) at the request of the assistant district attorney.
2. ( ☒ ) at the request of the defendant attorney.
3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.
4. ( ) by order of the court.

Entry No. 14

JDG 1219 ad

10 MINUTES  
AUG 29 1990

Joe TOSH  
Deputy Clerk

Crim. # 3 - Cont.

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE

STATE OF LOUISIANA

4-6-58 n/m

DIVISION " N "

NO: 89-2361,2395,89-1

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one Samuel Wallace,  
is now confined in the Federal Penitentiary Oakdale, LA.

That it is necessary for the aforesaid Samuel Wallace  
to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on Tuesday the 16th day of October,  
19 90, at 9:00 a.m., to be Tried,  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to the Warden of Oakdale Federal  
Penitentiary, requiring (him, them) to produce  
the body of Samuel Wallace, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on Tuesday the 16th day of  
October, 19 90, at 9:00 a.m., Division " N",  
at Gretna, Louisiana to be Tried,  
for the crime of Poss. W/Int. Dist. Cocaine, PCP, & Poss. in the  
of Cocaine (2cts)  
above numbered and entitled cause.

W.J. ReBlanc 183

ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

*is attach*  
*9-28*

1982

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to  
the Warden of Oakdale Federal Penitentiary  
ordering and directing (him, them) to produce the body of  
Samuel Wallace before the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on the 16th day of October, 1990, at  
9:00 a.m., at Gretna, Louisiana, to be Tried  
for the crime of Poss.W/I.Dist.  
Cocaine, PCP, & Poss.of Cocaine(2d) the matter entitled  
State of Louisiana vs. Samuel Wallace  
Number 89-1,2361,2395, of the Criminal Docket of this Court.  
Gretna, Louisiana, August 27, 1990.

James D. Canale  
JUDGE

ON MINUTES  
FEB 13 1991

issued (F.H.)

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE

STATE OF LOUISIANA

n/m

DIVISION "N"

NO: 89-1,2361,2395

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one Samuel Wallace,  
is now confined in the Oakdale Federal Detention Center P.O. Box  
5050 Oakdale, LA  
That it is necessary for the aforesaid Samuel Wallace  
\_\_\_\_\_ to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on Tuesday the 16th day of October,  
19 90, at 9:00 a.m., to be Tried,  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to Jt. William Giangrosso Jefferson  
Parish Sheriff's Office, requiring (him, them) to produce  
Transportation Division  
the body of Samuel Wallace, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on Tuesday the 16th day of  
October, 19 90, at 9:00 a.m., Division "N",  
at Gretna, Louisiana to be Tried,  
for the crime of Poss. W/Int. Dist. Cocaine, PCP, & Poss., in the  
of Cocaine (2cts)  
above numbered and entitled cause.

W. J. LeBlanc  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

10-1  
css





1984

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to  
Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA  
ordering and directing (him, them) to produce the body of  
Samuel Wallace before the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on the 16th day of October, 1990, at  
9:00 a.m., at Gretna, Louisiana, to be Trred  
\_\_\_\_\_ for the crime of Poss.W/Int.Dist.  
Cocaine,PCP,& Poss. of Cocaine(2ctm) the matter entitled  
State of Louisiana vs. Samuel Wallace  
Number 89-1,2361,2395, of the Criminal Docket of this Court.  
Gretna, Louisiana, September 28, 1990.

  
J U D G E

ON MINUTES  
FEB 13 1991

1985

**DIV. N**

WRIT OF HABEAS CORPUS  
AD PROSEQUENDUM  
STATE OF LOUISIANA, PARISH OF JEFFERSON

JUDGE  
JAMES L. CANNELLA

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

for the

vs.

PARISH OF JEFFERSON

SAMUEL WALLACE NM 4-6-58

No. 89-1,89-2, 89-2361,89-2395

The State of Louisiana to LT. WILLIAM GLANGROSSO JEFFERSON PARISH SHERIFF'S OFFICE

TRANSPORTATION DIVISION

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th  
Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on

TUESDAY, the 16TH day of OCTOBER, in the year 1990, at  
9:00 A./M  
~~10:00~~ o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be  
PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this

1ST day of OCTOBER, in the year of our Lord 1990

Clerk's Office, Courthouse, Gretna, La., 10-1-90 19 1990

[Signature]  
Deputy Clerk.

JPG-1219.99.48

1986

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

SAMUEL WALLACE

STATE OF LOUISIANA

n/m

DIVISION "N "

NO: 89-1,2361,2395

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for  
the Parish of Jefferson, State of Louisiana, respectfully shows  
this Honorable Court that one Samuel Wallace,  
is now confined in the Oakdale Federal Detention Center P.O. Box  
5050 Oakdale, LA  
That it is necessary for the aforesaid Samuel Wallace

\_\_\_\_\_ to be present in the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on Tuesday the 16th day of October,  
19 90, at 9:00 a.m., to be Tried,  
in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be  
issued from this Honorable Court to Lt. William Giangrosso Jefferson  
Parish Sheriff's Office, requiring (him, them) to produce  
Transportation Division  
the body of Samuel Wallace, before the 24th  
Judicial District Court for the Parish of Jefferson, State of  
Louisiana, on Tuesday the 16th day of  
October, 19 90, at 9:00 a.m., Division "N",  
at Gretna, Louisiana to be Tried,  
for the crime of Poss. W/Int. Dist. Cocaine, PCP, & Poss., in the  
of Cocaine (2cts)  
above numbered and entitled cause.

W. J. LaBlanc  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

1987

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to  
Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA  
ordering and directing (him, them) to produce the body of  
Samuel Wallace before the 24th Judicial  
District Court for the Parish of Jefferson, State of Louisiana,  
on the 16th day of October, 19 90, at  
9:00 a.m., at Gretna, Louisiana, to be Triad  
\_\_\_\_\_ for the crime of Poss.W/Int.Dist.  
Cocaine,PCP,& Poss. of Cocaine(2ctm) the matter entitled  
State of Louisiana vs. Samuel Wallace  
Number 89-1,2361,2395, of the Criminal Docket of this Court.  
Gretna, Louisiana, September 28, 19 90.

4/ James L. Canale  
J U D G E

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

Sto  
CLERK  
24TH. JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

1988

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

**DIV. N**

JUDGE

DIVISION JAMES L. CANNELLA

NUMBER 89-1

STATE OF LOUISIANA

vs.

SAMUEL WALLACE

Filed 10/15

James L. Cannella

DEFENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL  
RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A  
PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

32 D/B 4/6/88 11/10/88  
First, tell this court how old you are? And how much schooling have you had? 5 years

1. You are pleading guilty to the crime of single possession  
of Cocaine and single possession of  
phenacyclides 20 years

which occurred on the 15<sup>th</sup> day of December, 19 88.  
The maximum sentence which I can impose is 5 to 20 years at hard labor.  
There is no probation, parole or suspension of sentence for the crime of  
Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one can force you to so plead? To plead guilty is your voluntary act and must be free from any vice or defect which would render your ability to plead guilty inadequate. Has anyone used any force, intimidation, coercion or promise or reward against either you or any member of your family for the purpose of making or forcing you to plead guilty?

1989

STATE OF LOUISIANA, PARISH OF JEFFERSON  
24th Judicial District Court

State of Louisiana

vs.

No. 89-1

SAMUEL WALLACE

Division "N"

Date OCTOBER 15, 1990

C.R. - SANDI HANCOCK

DISTRICT ATTORNEY W. J. LEBLANC

JUDGE J. CANNELLA

SENTENCE

The defendant SAMUEL WALLACE appeared

before the bar of the court this day represented by MARTIN REGAN

Attorney. The defendant tendered to the State a plea of GUILTY to:

1. (X) the bill amended by the District Attorney to read

R.S.40:967 POSSESSION OF COCAINE UNDER 200 GRAMS

2. ( ) the crime of

The defendant waived the reading of the bill and the plea was acceptable to the State. The Court advised the defendant of all of his rights including his right to a trial by jury, his right to confront his accusers and his right against self-incrimination and the defendant acknowledged that he understood. The defendant waived these rights and a waiver of rights was executed and filed into the record. The defendant waived all legal delays and requested immediate sentencing. The Court sentenced the defendant to imprisonment at hard labor for a term of FIVE (5) YEARS giving the defendant credit for the time served from AUGUST 1, 1989. The defendant is committed to the Louisiana Department of Corrections for execution of sentence in conformity with L.S.A. - R.S. 15:824. The defendant reported his date of birth as 4-6-58 and his age as 32.

THIS SENTENCE IS TO RUN CONCURRENTLY WITH THE SENTENCE IMPOSED IN CASE NO. 89-2, 89-2361, 89-2395 AND FEDERAL SENTENCE 89296-001.

Deputy Clerk

Entry No. 15

Crim. #5-Sent. LOC-Am. Plea

1990

**TWENTY-FOURTH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF JEFFERSON**

**HARD LABOR**

DIVISION "N"

DOB: [REDACTED]

NO. 89-1

ITEM NO. L-11183-88

**COMMITMENT**

WHEREAS SAMEUL WALLACE

was by due form of law lately PLED before our 24th Judicial District Court  
for the Parish of Jefferson of Violating Revised Statute 40:967 POSSESSION OF COCAINE UNDER  
200 GRAMS

and was thereupon sentenced to imprisonment at hard labor, for

FIVE (5) YEARS--CREDIT FOR TIME SERVED FROM AUGUST 1, 1989.

and defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity  
with L. S. A. - R. S. 15:824.

THIS SENTENCE IS TO RUN CONCURRENTLY WITH THE SENTENCE IMPOSED IN CASE NO.  
89-2 AND 89-2361, 89-2395 AND FEDERAL SENTENCE 89296-001.

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid  
sentence. And for so doing this shall be your sufficient warrant and authority.

WITNESS, JAMES L. CANNELLA, JUDGE

presiding in the 24th Judicial District Court, Division "N"

Parish of Jefferson, at the Hall of Sitzings of the same, in the City of Gretna,

this 15TH day of OCTOBER

in the year of our Lord, one thousand nine hundred and

NINETY

*James L. Cannella*  
JUDGE

NOV 8 1989  
30 MINUTES

1991

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA M. CLOPER, REGINALD FRANCIS  
MELVA A. HAYES, ARNOLD N. WALLACE,  
AUDRY N. WALLACE

Division "N"

Date OCTOBER 17, 1990

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

TRIAL IN THIS MATTER IS CONTINUED AND RESET FOR DECEMBER 3, 1990 AT THE  
REQUEST OF THE DEFENSE COUNSEL, JOE TOSH.

Entry No. 15A  
C-4102

NOV 15 1990  
3:11 PM  
CLERK'S OFFICE

  
DEPUTY CLERK



1992

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1, 89-2

Division "N"

Date DECEMBER 3, 1990

C.R. - JACK LAWRENCE

SYLVIA CLOFER, MELVA A. MAYES  
AUBRY WALLACE, REGINALD FRANCIS  
ARNOLD N. WALLACE

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

CONTINUANCES

The defendant S SYLVIA CLOFER, REGINALD FRANCIS, ARNOLD N. WALLACE appeared before the  
MELVA MAYES, AUBRY WALLACE (DID NOT APPEAR)  
bar of the court this day for TRIAL

He was:

1. ☐ represented by \_\_\_\_\_, attorney.

2. ☒ un represented.

The TRIAL was ordered:

1. ☐ continued to be reassigned.

2. ☐ continued without date.

3. ☒ continued and re-set for JANUARY 28, 1991--PT--1-23-91 AT 1:30 P.M.

The action was taken:

1. ☐ at the request of the assistant district attorney.

2. ☒ at the request of the defendant attorney.

3. ☐ on a joint motion of the assistant district attorney and the attorney for the defendant.

4. ☐ by order of the court.

ON MINUTES  
DEC 10 1990

16

Jan Loto  
Deputy Clerk

Entry No. 160

1993

STATE OF LOUISIANA  
VS.

SYLVIA M. CLOPER  
REGINALD FRANCIS  
MELVA A. MAYES

NO. 89-0001

DIVISION N

DATE 01/30/91

, ET AL COURT REPORTER- KERRY WESTMOREL

DISTRICT ATTORNEY: W.J. LEBLANC

JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOPER  
REGINALD FRANCIS  
MELVA A. MAYES  
ARNOLD N. WALLACE  
AUDRY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANTS WERE REPRESENTED BY

---CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:


CONTINUED AND RE-SET FOR FEBRUARY 6, 1991 AT 9:00 A.M..

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 02/06/91 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
FEB 13 1991

ENTRY 17

PAGE 1 OF

17

1994

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA M. CLOVER, REGINALD FRANCIS,

Division "N"

MELVA A. MAYES, ARNOLD N. WALLACE, AUDREY WALLACE

Date 2-6-91

C.R.-K. WESTMORELAND

DISTRICT ATTORNEY W.J. LEBLANC JUDGE J. CANNELLA

CONTINUANCES

The defendant<sup>S</sup> appeared before the  
bar of the court this day for TRIAL

He was:

1. (X) represented by JOE TOSH, attorney.

2. ( ) un represented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.

2. ( ) continued without date.

3. (X) continued and re-set for FEBRUARY 25, 1991

The action was taken:

1. ( ) at the request of the assistant district attorney.

2. (X) at the request of the defendant attorney.

3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.

4. ( ) by order of the court.

STATE OBJECTED.

ON MINUTES  
FEB 13 1991

*Joe Tosh*  
Deputy Clerk

Entry No. 18

STATE OF LOUISIANA

NO. 889-2

VS  
 REGINALD FRANCIS  
 SYLVIA CLOFER  
 ARNOLD WALLACE  
 AUBREY WALLACE

24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON  
 STATE OF LOUISIANA

\* \* \* \* \*

FILED: \_\_\_\_\_ DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS  
AD TESTIFICANDUM

TO THE HONORABLE, THE TWENTY-FOURTH JUDICIAL DISTRICT  
 COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The Petition of JOHN M. MAMOULIDES, District Attorney  
 for the Parish of Jefferson, State of Louisiana, respectfully  
 shows this Honorable Court that one Samuel Wallace  
 is now confined in the Oakdale Federal Detention Center.

That it is necessary for the aforesaid Samuel Wallace  
 \_\_\_\_\_, to be present in the 24th Judicial District  
 Court for the Parish of Jefferson, State of Louisiana, on  
Monday, the 25th day of February  
 at 9:00 a.m. Division N, to testify  
 in the above number and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
 do forthwith order a Writ of Habeas Corpus Ad Testificandum  
 to issue from this Honorable Court to Lt. William Giangrosso  
Jefferson Parish Sheriff, requiring him to produce the body  
 Office  
 of Samuel Wallace, before the 24th Judicial District  
 Court for the Parish of Jefferson, State of Louisiana, on  
Monday, the 25th day of February,  
 19 91, Division N at Gretna, Louisiana, to  
testify, in the above numbered and  
 entitled cause.

  
 ASSISTANT DISTRICT ATTORNEY  
 PARISH OF JEFFERSON  
 STATE OF LOUISIANA

wp 2-1 of 120 attached Sam Wallace

1996

ORDER

Let a Writ of Habeas Corpus Ad Testificandum be issued to  
Lt. William Giangrosso Jefferson Parish Sheriff's Office  
ordering and directing him to produce the body of Samuel Wallace  
\_\_\_\_\_ before the 24th Judicial District  
Court for the Parish of Jefferson, State of Louisiana, on  
the 25th day of February, 19 91, at  
9:00 a.m. Division \_\_\_\_\_, at Gretna, Louisiana, to  
testify \_\_\_\_\_, in the matter entitled State  
of Louisiana vs Sylvia Clofer, Reginald number 89-1 & 89-2  
Francis, Arnold Wallace & Aubrey Wallace  
of the Criminal Docket for this Court.

Gretna, Louisiana, \_\_\_\_\_ February 6 \_\_\_\_\_, 19 91 \_\_\_\_\_.

James D. Caswell  
JUDGE

ON MINUTES  
FEB 13 1991

1997

WRIT OF HABEAS CORPUS  
AD TESTIFICANDUM  
STATE OF LOUISIANA, PARISH OF JEFFERSON

DIV. N  
JUDGE  
JAMES L. CANNELLA

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

for the

vs.

PARISH OF JEFFERSON

REGINAL FRANCIS, SYLVIA CLOFER.  
ARNOLD WALLACE, AUBREY WALLACE

No. 89-1, 89-2'

The State of Louisiana to LT. WILLIAM GIANCROSSO, JEFFERSON PARISH SHERIFF OFFICE

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th  
Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on

MONDAY, the 25TH day of FEBRUARY, in the year 1991, at

9:00  
XXXX o'clock A. M., the SAID DEFENDANT WITNESS--SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be  
PRESENT FOR -- TO TESTIFY

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this

7TH day of FEBRUARY, in the year of our Lord 1991

Clerk's Office, Courthouse, Gretna, La., 2-7- 1991

JPG-1219.99.48

ON MINUTES  
MAR 18 1991

Deputy Clerk.

23

STATE OF LOUISIANA

NO. 89-2

24TH JUDICIAL DISTRICT COURT

VS  
 REGINALD FRANCIS  
 SYLVIA CLOFER  
 ARNOLD WALLACE  
 AUBREY WALLACE

PARISH OF JEFFERSON

STATE OF LOUISIANA

\* \* \* \* \*

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS  
 AD TESTIFICANDUM

TO THE HONORABLE, THE TWENTY-FOURTH JUDICIAL DISTRICT  
 COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA;

The Petition of JOHN M. MAMOULIDES, District Attorney  
 for the Parish of Jefferson, State of Louisiana, respectfully  
 shows this Honorable Court that one Samuel Wallace  
 is now confined in the Oakdale Federal Detention Center.

That it is necessary for the aforesaid Samuel Wallace  
 \_\_\_\_\_, to be present in the 24th Judicial District  
 Court for the Parish of Jefferson, State of Louisiana, on  
Monday, the 25th day of February,  
 at 9:00 a.m. Division N, to testify  
 in the above number and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court  
 do forthwith order a Writ of Habeas Corpus Ad Testificandum  
 to issue from this Honorable Court to Lt. William Giangrosso  
Jefferson Parish Sheriff, requiring him to produce the body  
 of Samuel Wallace, before the 24th Judicial District  
 Court for the Parish of Jefferson, State of Louisiana, on  
Monday, the 25th day of February,  
 19 91, Division N at Gretna, Louisiana, to  
testify, in the above numbered and  
 entitled cause.

  
 ASSISTANT DISTRICT ATTORNEY  
 PARISH OF JEFFERSON  
 STATE OF LOUISIANA

1999

ORDER

Let a Writ of Habeas Corpus Ad Testificandum be issued to  
Lt. William Giangrosso Jefferson Parish Sheriff's Office  
ordering and directing him to produce the body of Samuel Wallace  
\_\_\_\_\_ before the 24th Judicial District  
Court for the Parish of Jefferson, State of Louisiana, on  
the 25th day of February, 19 91, at  
9:00 a.m. Division \_\_\_\_\_, at Gretna, Louisiana, to  
testify \_\_\_\_\_, in the matter entitled State  
of Louisiana vs Sylvia Clofer, Reginald number 89-1 & 89-2  
Francis, Arnold Wallace & Aubrey Wallace  
of the Criminal Docket for this Court.

Gretna, Louisiana, \_\_\_\_\_ February 6 \_\_\_\_\_, 19 91.

ON MINUTES  
MAR 18 1991

9/ James D. Cassel  
JUDGE

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

John  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.



STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA CLOFER, REGINALD FRANCIS,  
MELVA A. MAYES, ARNOLD WALLACE  
AUBRY WALLACE

Division "N"

Date FEBRUARY 25, 1991

DISTRICT ATTORNEY W.J. LEBLANC JUDGE J. CANNELLA

THE DEFENDANTS APPEARED BEFORE THE BAR OF THE COURT REPRESENTED BY JOE TOSH.

BONDS REVOKED--DEFENDANTS REMANDED TO PARISH PRISON TO BE HELD FOR TRIAL.



*Joe Tosh*  
DEPUTY CLERK  
ON MINUTES  
MAR 1 8 1991

19

Entry No. 184  
C of C #183

STATE OF LOUISIANA

24TH JUDICIAL DISTRICT COURT

VS.

PARISH OF JEFFERSON

AUBREY WALLACE

STATE OF LOUISIANA

DIVISION " N "

NO: 89-1 &amp; 2

\* \* \* \* \*

FILED: 2-26-91

*Jan Loto*  
DEPUTY CLERK

NOTICE OF INTENTION TO USE AND INTRODUCE  
STATEMENT OF DEFENDANT IN EVIDENCE

NOW INTO COURT, comes John M. Mamoulides, District Attorney in and for the Parish of Jefferson, State of Louisiana, Twenty Fourth Judicial District Court, and on suggesting to the Court that in accordance with the provisions of Article 768 of the Code Criminal Procedure for the State of Louisiana, he hereby gives notice that the State intends to use and introduce in evidence in the trial of the above entitled and numbered matter, certain

Oral Statements

made by the defendant to Agt. Orgeron,  
on the date of December 15, 1988, at approximately  
9:00 p.m., given at Marrara, LA  
and that a copy of this notice has been given to defendant's  
counsel.

Gretna, Louisiana, this 26th day of February, 1991.

ON MINUTES  
MAR 1 8 1991

*[Signature]*  
ASSISTANT DISTRICT ATTORNEY  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

**STATE OF LOUISIANA, PARISH OF JEFFERSON**  
**Twenty-Fourth Judicial District Court**

**State of Louisiana**  
**VS.**

AUBRY WALLACE

**No.:** 89-1

**Complaint No.:** L-11183-88

**Division:** "N"

**Date:** FEBRUARY 26, 1991

**HARD LABOR PLEA SENTENCING FORM**

**DISTRICT ATTORNEY:** W.J. LEBLANC **JUDGE:** J. CANNELLA

The Defendant AUBRY WALLACE appeared before the bar of the Court this day. He/She was represented by JOE TOSH, Attorney. The Defendant withdrew his/her plea of not guilty and tendered to the State a plea of GUILTY TO POSSESSION OF COCAINE OVER 28, GRAMS--COUNT ONE AND GUILTY TO POSSESSION OF PCP--COUNT TWO, which plea was acceptable to the State. The Court advised the Defendant of his/her rights. The Defendant waived these rights and a Waiver of Rights was executed and filed into the record. The Defendant waived/did not waive all legal delays. The Court sentenced the Defendant to imprisonment at Hard Labor for a term of FIVE (5) YEARS ON EACH COUNT TO RUN CONCURRENTLY. COUNT ONE IS WITHOUT BENEFITS OF PAROLE, PROBATION OR SUSPENSION OF SENTENCE.

giving the Defendant credit for time served. The Defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity with L.S.A.-R.S. 15:824.

The Defendant reported HIS date of birth as 6-28-59 and        age as        years.

  
**DEPUTY CLERK**

Reported by: K. WESTMORELAND

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid sentence. And for so doing this shall be by your sufficient warrant and authority.

WITNESS, JAMES L. CANNELLA, JUDGE


presiding in the 24th Judicial District Court, Division "N",

Parish of Jefferson, at the Hall of Sittings of the same, in the City of Gretna,

this 26TH day of FEBRUARY

in the year of our Lord, one thousand nine hundred and       

NINETY ONE

  
**JUDGE**

ON MINUTES  
 MAR 1 8 1991

Entry No.: 193  
 FORMSHD-LABOR.FRM

## TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STATE OF LOUISIANA

DIV. N

JUDGE

DIVISION JAMES L. CANNELLANUMBER 89-1

vs.

Filed 2-26-91Arley N. WallaceJames L. Cannella

DEPENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL  
RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A  
PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

First, tell this court how old you are? And how much schooling have you had? 31 6/28/59 #Squadnik

1. You are pleading guilty to the crime of RS. 40:966 Possession of PC:  
RS 40:967-Possession of Cocaine (50grams)

which occurred on the 15 day of December, 19 88.  
The maximum sentence which I can impose is 50 years at hard labor.  
There is no probation, parole or suspension of sentence for the crime of  
Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one can force you to so plead? To plead guilty is your voluntary act and must be free from any vice or defect which would render your ability to plead guilty inadequate. Has anyone used any force, intimidation, coercion or promise or reward against either you or any member of your family for the purpose of making or forcing you to plead guilty?

Page 3

## BY THE DEFENDANT:

I, as the defendant in this case, acknowledge that the foregoing has been read to me, that my attorney and the trial judge have explained the nature of the crime to which I am pleading guilty, all of my rights to me, and what rights I am waiving or giving up, as listed above, and that I have been given every opportunity by the trial judge to ask questions in open court about anything I do not understand and about all of the consequences regarding my plea of guilty. I am completely satisfied with the explanations of my attorney and the judge.

I FURTHER ACKNOWLEDGE THAT MY ACT OF PLEADING GUILTY IS A KNOWING INTELLIGENT FREE AND VOLUNTARY ACT ON MY PART. I know that no one can force me to plead guilty. I know that by pleading guilty I admit I committed the said crime. I know this plea of guilty is more than a confession. It is also a conviction. Nothing remains except for the Judge to give judgment and give me my punishment. I waive all delays for sentencing and acknowledge I am ready for sentencing.

Aubrey Wallace  
DEFENDANT

## BY THE TRIAL JUDGE:

I, as trial judge, have entered into the foregoing colloquy with the defendant. I am entirely satisfied that the defendant was aware of the nature of the crime to which he or she has plead guilty, that the defendant did in fact commit said crime, understands the consequences of said plea of guilty and has made a knowing, intelligent, free and voluntary act of pleading guilty to above mentioned crime. I, therefore, accept the defendant's plea of guilt:

DATE

2/26/91

James R. Canale  
JUDGE

ON MINUTES  
MAR 1 1991

Am II 6-15-89

**N<sup>o</sup>.** 892360

## 24th JUDICIAL DISTRICT COURT

**PARISH OF JEFFERSON**

VS. 4/9  
AUBRY N. WALLACE

99176-01 atty/4m-

Charge R.S. 14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING

Assistant District Attorney

**Attorney for Defendants**

~~Date of Filing~~

JUNE 7, 1989

**Deputy Clerk**

~~DOUGLAS, JAMES L. 17700 60 27TH AVE. S.W. 6905 SEASIDE BL. #2A MARKKO LA.~~

~~BOND \$1500.00 PRT ( ) AMERICAN BANKERS INS CO 221 DEBITION 67 OCT 1964~~

All right, Mr. Galt.  
 (Goodman) (Bond Re-stated)  
 (Goodman) (Bond Re-stated)

2006

**TWENTY-FOURTH JUDICIAL DISTRICT COURT**

**PARISH OF JEFFERSON**

**STATE OF LOUISIANA**

I, Mary Mier Deputy Clerk of the twenty-fourth Judicial

District Court, for the Parish of Jefferson, do hereby certify, that the record filed

Herewith is a true copy of the Original record of Pleadings, evidence and documents

in the matter entitled:       **STATE OF LOUISIANA**

**VERSUS**

**Aubry N Wallace**

**Bearing number 89-2360**

**IN TESTIMONY WHEREOF, I  
have here unto set my hand and  
affixed the seal of said Court, at  
Gretna, Louisiana, in the Year of  
Our Lord, Two Thousand and  
Nine and in the 233rd Year of the  
Independence of the United States  
of America.**

  
**DEPUTY CLERK**

2007

THE STATE OF LOUISIANA

Parish of Jefferson

Twenty-Fourth Judicial District

S.S.

Twenty-Fourth Judicial District Court

JOHN M. MAMOULIDES, District Attorney, of the Twenty-Fourth Judicial District Court of the State of Louisiana, who, in the name and by the authority of the said State, prosecutes in its behalf, in proper person comes into the Twenty-Fourth Judicial District Court of the State of Louisiana, in and for the PARISH OF JEFFERSON and gives the said Court here to understand and be informed that one

AUBRY N. WALLACE

late of the Parish aforesaid, on or about the EIGHTH day of MAY in the year of our Lord One Thousand Nine Hundred EIGHTY-NINE with force and arms, in the Parish aforesaid, and within the jurisdiction of the Twenty-Fourth Judicial District Court of Louisiana, in and for the Parish aforesaid, violated R. S. 14:62.2 in that he did commit simple burglary of the inhabited dwelling and structure number 2636 Woodmere St., Harvey, LA, belonging to Lawrence Kornman, with the intent to commit a theft therein,

contrary to the form of the Statute of the State of Louisiana, in such case made and provided, and against the peace and dignity of the State.

COMPLAINT NUMBER E-6745-89

Assistant District Attorney

Form # JPO-1229.99.14



R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, \_\_\_\_\_, and that they were placed thereon by said defendant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**Deputy Sheriff**

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, \_\_\_\_\_, and that they were placed thereon by said defendant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, \_\_\_\_\_, and that they were placed thereon by said defendant this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Deputy Sheriff

# The State of Louisiana:

VS.

Filed June 7 1910  
Edward J. Flynn  
D. Clerk  
892360  
No. ....

AUBRY N. WALLACE

11

9



3.

**9**

48.  $\frac{1}{2}$

2

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100

100

#### 4:62.2

THE BOOKS OF

## NEW MATERIAL

**DISTRICT A**

**JOHN M. MAMOULIDES**  
DISTRICT ATTORNEY

2009

STATE OF LOUISIANA

NO.

VS.

24TH JUDICIAL DISTRICT COURT

AUBRY N. WALLACE  
N/M DOB [REDACTED]

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FILED FOR P. 0080  
AUG 8 5 10 PM '89  
CLERK OF COURT  
JEFFERSON  
PARISH

ORDER

IT IS ORDERED by the Court that a bail or appearance  
bond in the sum of TWENTY THOUSAND AND TWO HUNDRED DOLLARS  
(\$ 20,200.00 DOLLARS, returnable WHEN NOTIFIED, be and the same  
is hereby fixed in the matter of the above defendant, who is  
being held on the charge of CT.1) SIMPLE BURGLARY RES., CT.2) RESIST  
ARREST BY FLIGHT, CT.3) RESIST ARREST BY FLIGHT

said bond to be taken and the surety thereon approved by the  
Sheriff of this Parish or one of his deputies, in accordance  
with law.

GRETN, LOUISIANA, MAY 8, 19 89.

CT.1) \$20,000.00  
CT.2) 100.00  
CT.3) 100.00  
\$20,200.00 C/C

ON MINUTES  
AUG 8 1989  
JUDGE

JPG 1219.51

CRIM. #15.

# SUBPOENA

No. 89-2360

Office of JON A. GEGENHEIMER Clerk of Court

## 24th Judicial District Court

**STATE OF LOUISIANA**

vs.

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

AUBRY N. WALLACE

To M AUBRY N. WALLACE

6305 4TH STREET, BLDG. 2, APT. A.

MARRERO, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 21ST day of JULY in the year of Our Lord 19 89 at 9:00 A.M. for the purpose of: ARRAIGNMENT in the above entitled matter.

CHARGE: R.S. 14:62(2) SIMPLE BURGLARY OF AN INHABITED DWELLING  
BRING YOUR ATTORNEY

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. JUNE 16, 1989

JUN 20 1989

*Barbara Dorney*  
Deputy Clerk

ALL PERSONAL

Received on \_\_\_\_\_ 19\_\_\_\_ and on \_\_\_\_\_ 19\_\_\_\_

I served a true copy of the within \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_ herein named \_\_\_\_\_ person in the Parish of Jefferson, \_\_\_\_\_ miles from the Courthouse.

Louisiana, at a distance of about \_\_\_\_\_ 19\_\_\_\_

APPROPRIATE TO RETURN

APPROPRIATE TO RETURN

Deputy Sheriff, Parish of Jefferson

**DOMICILIARY**

Received on \_\_\_\_\_ 19\_\_\_\_ and on \_\_\_\_\_ 19\_\_\_\_

I served a true copy of the within \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_ herein named \_\_\_\_\_ person in the Parish of Jefferson \_\_\_\_\_ domicile in the Parish of Jefferson \_\_\_\_\_

\_\_\_\_\_ in the hands of \_\_\_\_\_ having the same at \_\_\_\_\_

\_\_\_\_\_ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_

the said \_\_\_\_\_ herein named, being temporarily absent from \_\_\_\_\_ residence at the time of said service.

Service at a distance of about \_\_\_\_\_ 5 miles from the Courthouse.

Returned \_\_\_\_\_ 2-1-19

Deputy Sheriff, Parish of Jefferson

# SUBPOENA

No. 89-2360

**STATE OF LOUISIANA**

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

**STATE OF LOUISIANA**

**PARISH OF JEFFERSON**

To M. J. MCMILLEN, ASST. DISTRICT ATTORNEY

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 21ST day of JULY in the year of Our Lord 1989 at 9:00 A.M. for the purpose of ARRAIGNMENT in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La.

Deputy Clerk

**JUN 20 1989**

of C #79

# SUBPOENA

No. 89-2360

STATE OF LOUISIANA

Office of JON A. GEGENHEIMER, Clerk of Court  
24th Judicial District Court

in and for the Parish of

STATE OF LOUISIANA  
PARISH OF JEFFERSON

AUBRY N. WALLACE

To: M<sup>rs</sup>. BERNICE WALLACE

6305 4TH STREET, BLDG. 2, APT. A  
MARRERO, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 21st day of JULY, 1989, at 9:00 AM, to answer the following questions:  
for the purpose of ARRANGEMENT  
in the above-entitled matter

By Order of the Court

Clerk's Office Courthouse, Gretna, La.

JUNE 16, 1989

Witness my hand and seal of office this 16th day of June, 1989.

*Barbara D. Dourney*  
Deputy Clerk

JUN 21 1989

J. of C #79

Received on \_\_\_\_\_ 19\_\_\_\_ and on \_\_\_\_\_ 19\_\_\_\_  
 I served the complaint herein on \_\_\_\_\_ 19\_\_\_\_  
 on \_\_\_\_\_ 19\_\_\_\_  
**AMATEUR TO RETURN**  
 Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.  
**AMATEUR TO RETURN**  
**MORRISON TO RETURN**  
 Deputy Sheriff, Parish of \_\_\_\_\_  
**AMATEUR TO RETURN**  
 I received on \_\_\_\_\_ 19\_\_\_\_  
 I served a true copy of the return of \_\_\_\_\_ 19\_\_\_\_  
 on \_\_\_\_\_ 19\_\_\_\_  
 herein named by leaving the same at \_\_\_\_\_  
 in the hands of \_\_\_\_\_  
 a person apparently over the age of 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_  
 the said \_\_\_\_\_  
 temporarily absent from \_\_\_\_\_  
 I served \_\_\_\_\_ 19\_\_\_\_ miles from the Courthouse  
 Returned \_\_\_\_\_ 19\_\_\_\_  
 Deputy Sheriff, Parish of \_\_\_\_\_

# SUBPOENA

NO. 89-2360

No. 89-2360

STATE OF LOUISIANA

Office of JON A. GEGENHEIMER, Clerk of Court

24th Judicial District Court

Parish of Louisiana

PARISH OF LOUISIANA  
PARISH OF JEFFERSON

AUBREY N. WALLACE

TO: M. AMERICAN BANKERS INS. CO. THROUGH FOX MCKEITHEN, DIM A  
6020 CORONATION WEST SECRETARY OF STATE P. O. BOX 4214, BATON ROUGE, LA.  
SAN DIEGO, CALIF. (FOR AGENCY OF SERVICE OF PROCESS)

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 1st day of June, 1989, in the year of Our Lord 1989, at 10:00 A.M. for the purpose of ARRAIGNMENT in the above entitled matter.

"SERVED DOMICILIARY"

6.2.3.89

By order of the Court

at St. Louis, Missouri, this 2nd day of June, 1989.

JUNE 16, 1989

Refer to Office of Gretna, La.

Witness my hand and the Seal of the Court this 20th day of June, 1989.

JUN 20 1989

Deputy Clerk

*Barbara D. Dwyer*





STATE OF LOUISIANA  
Parish of Jefferson  
SHERIFF'S OFFICE

24th Judicial District Court  
for the Parish of Jefferson

RECEIVED on this 10 day of May

one thousand, nine hundred and \_\_\_\_\_, before me,

Harry Lee Sheriff of the Parish of Jefferson, State of Louisiana,

and appeared Aubrey Wallace as principal, and

AMERICAN BANKERS INSURANCE COMPANY as surety who severally

acknowledge themselves indebted, and owe to HONORABLE CHARLES ROEMER, Governor

of the State of Louisiana, and his successor in office, in the several sums following, that is to say:

The said Aubrey Wallace the sum of \$2,500.00 Dollars,

The said \_\_\_\_\_ the sum of \_\_\_\_\_ Dollars,

The said \_\_\_\_\_ the sum of \_\_\_\_\_ Dollars,

The said AMERICAN BANKERS INSURANCE COMPANY the sum of \$2,500.00 Dollars,

of good and lawful money of the United States, for the true payment of which respective sums they and each of them bind themselves, their executors and administrators firmly by these presents.

Also we waive all our Homestead Exemption known to us by the laws of this State.

UPON CONDITION of which, that if the above bounden Aubrey Wallace

shall be and appear before the 24th Judicial District Court of the State of Louisiana, to be held at

the District Court House in the Parish of Jefferson, on \_\_\_\_\_ To \_\_\_\_\_ the \_\_\_\_\_ day of

notified \_\_\_\_\_, A.D. 19\_\_\_\_, or if the said Court should not be held on the day last aforesaid, then on

the first day thereafter that the said Court shall be held, then and there to answer to the charge brought

against him for \_\_\_\_\_ 14-62

and shall not depart without the leave of the said Court, until the final trial and conviction or acquittal

of the said Aubrey Wallace and shall keep the peace in the meantime; then this

recognizance to be void; otherwise to remain in full force and effect.

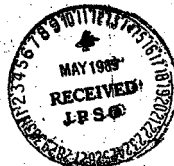
X Aubrey Wallace

X 6305 4th Blues ART 2A

X Mammie Ann Jones

341-2023

BOND NO. 137097-D  
COMPLAINT NO. E-1615-89  
DATE 5/12/89  
DEPOSIT NO. \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_  
ARREST DATE 5/18/89 PLACE Sec  
RELEASE DATE 5/19/89 PLACE JPC



DATE: 11/20/89  
I AGREE TO REINSTATE THIS BOND  
AND REMAIN AS SURETY FOR THE  
DEFENDANT UNTIL SENTENCING.  
SURETY Wanda Bartholomew  
2916 Oakley St  
ADDRESS Shreve, La 71203

THIS COPY OF THE ORIGINAL  
BOND IS TO BE KEPT IN THIS OFFICE.  
1000 GOW  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

**COURT COPY AB16**

**POWER OF ATTORNEY**

**THE AMERICAN BANKERS' INSURANCE COMPANY OF FLORIDA**

VOID IF NOT ISSUED BY: 02/14/90

POWER NO. AB5-00884360

POWER AMOUNT \$ \*\*\*5,000.00\*\*\*

KNOW ALL MEN BY THESE PRESENTS that the American Bankers Insurance Company of Florida, a corporation duly organized and existing under the laws of the State of Florida and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on October 28, 1987, which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

IN WITNESS WHEREOF, THE AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA has caused these presents to be signed by its duly authorized attorney in fact, proper for the purpose and its corporate seal to be hereunto affixed this 10th day of February 1990.

Defendant: Gregory Wallace

Court: 1st

City: Fort

State: La.

If rewrite, original \_\_\_\_\_

Executing Agent: N. J. Dwyer

By: R. Spencer Douglas

R. Spencer Douglas  
Attorney-in-Fact

**FOR STATE USE ONLY**  
**NOT VALID IF USED IN FEDERAL COURT**

19

**STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_

who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond to-wit: The sum of \_\_\_\_\_ Dollars.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19

**STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_

who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond to-wit: The sum of \_\_\_\_\_ Dollars.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19

**STATE OF LOUISIANA—Parish of Jefferson.**

Before Me, the undersigned authority, personally came and appeared \_\_\_\_\_

who being duly sworn, deposes and says that he resides in the Parish of \_\_\_\_\_ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond to-wit: The sum of \_\_\_\_\_ Dollars.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19

2020

ARRESTED FOR THE CRIME(S) OF DESIGNATE CRIME 1140113 HAVING BEEN

ON 5/8/89 AT 2336 WOODMEER ST HARVEY, LA

DATE 5/10/89 AT 4:25 AM PM LOCK UP X

AND HAVING BEEN RELEASED ON 5/10/89 DATE 5/10/89 TIME 4:25 EAST OF WEST X

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON TO ANSWER THAT CHARGE OR ANY RELATED CHARGE, AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND IF CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT AND SENTENCE, AND WILL NOT LEAVE THE STATE WITHOUT WRITTEN PERMISSION OF THE COURT, AND IF I FAIL TO PERFORM ANY OF THESE CONDITIONS, WE (I) WILL PAY TO THE STATE OF LOUISIANA THE SUM OF SEVENTEEN THOUSAND SEVEN HUNDRED 17,700.00 DOLLARS

ANY CASH BOND POSTED IS RECORDED IN THE NAME OF THE POSTER AND RETURNED ONLY TO THEM

HEREBY SPECIFICALLY AGREE TO APPEAR IN THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, ON THE 10 DAY OF MAY 1989

DELIVERED TO ME BY SUBPOENA

THE ADDRESS(ES) SHOWN IS/ARE TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT/PERSONAL SURETY TO NOTIFY THE CLERK OF COURT'S OFFICE, IN WRITING, OF SUCH CHANGES, BECAUSE ANY NOTICES SENT TO THE ABOVE ADDRESS WILL SUFFICE, UNLESS THE CLERK OF COURT'S OFFICE IS SO NOTIFIED.

Walter Wallace Wallace Aubrey N.

DEFENDANT'S SIGNATURE Walter Wallace PRINT DEFENDANT'S NAME LAST WALLACE FIRST AUBREY MIDDLE INITIAL N.

BOND POSTED BY Walter Wallace LAST WALLACE FIRST AUBREY MIDDLE INITIAL N. PRINT DEFENDANT'S ADDRESS 6305 N. 63RD ST. BLDG 2 APT 2

SURETY ADDRESS 6305 N. 63RD ST. BLDG 2 APT 2

PERSONAL SURETY BAIL UNDERTAKING

DEF. Walter Wallace ADD. 6305 N. 63RD ST. BLDG 2 APT 2 CITY HOUSTON STATE TX PH. 713

PEARS Walter Wallace 6305 N. 63RD ST. BLDG 2 APT 2 HOUSTON TX 713 391-202

RECEIVED Walter Wallace 6305 N. 63RD ST. BLDG 2 APT 2 HOUSTON TX 713 391-202

SURETY Walter Wallace 6305 N. 63RD ST. BLDG 2 APT 2 HOUSTON TX 713 391-202

VERBAL ORDER OF HONORABLE JD JUDGE OF 24TH JUDICIAL DISTRICT

COURT, PARISH OF JEFFERSON, RECEIVED BY JD ON 5/10/89 AT 4:25 AM PM

AND VERIFIED BY JD ON 5/10/89 AT 4:25 AM PM

DEPUTY SHERIFF JD PATROLL 713

White-Clerk of Court Yellow-Bond Deputy

**CERTIFICATE OF MAILING JUDGMENT OF BOND FORFEITURE**

STATE OF LOUISIANA

CASE NUMBER 89-2360

VS

TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSONAUBRY N. WALLACE

I, the undersigned Deputy Clerk of Court for the Twenty-Fourth District Court, Parish of Jefferson, do hereby affirm and certify that I have mailed a copy of the Judgment of Forfeiture in the above and entitled case to the following persons on the date next to his name:

AUGUST 3, 19 89AUBRY N. WALLACE-DEFENDANT6305 4TH STREET, BLDG. 2, APT. A. HARRERO, LA. 7007AUGUST 3, 19 89BERNICE WALLACE-SURETY6305 4TH STREET, APT. 2A, HARRERO, LA. 70072AUGUST 3, 19 89DA191919

Gretna, La.

Witness, our Hand and the Seal of said

Court this 3RD day of AUGUST19 89

*Barbara Dancy*  
Deputy Clerk

Sworn to and subscribed this 3RD day ofAUGUST 19 89

*Vande Weil*  
Deputy Clerk

ON MINUTES  
AUG 8 1989

**CERTIFICATE OF MAILING JUDGMENT OF BOND FORFEITURE**

STATE OF LOUISIANA

**CASE NUMBER** 89-2360

**VS**

**TWENTY-FOURTH JUDICIAL DISTRICT COURT**

**PARISH OF JEFFERSON**

AUBRY N. WALLACE

POWER OF ATTY. #AB5-00884360

I, the undersigned Deputy Clerk of Court for the Twenty-Fourth District Court, Parish of Jefferson, do hereby affirm and certify that I have mailed a copy of the Judgment of Forfeiture in the above and entitled case to the following persons on the date next to his name:

AUGUST 3, 19 89

AUBRY N. WALLACE--DEFENDANT

6305 4TH STREET, BLDG. 2, APT. A., MARRERO, LA. 700

AUGUST 3, 1989

MARK LEBOUF-AGENT-AMERICAN BANKERS INSURANCE CO.

221 DERBIGNY STREET, GRETNA, LA. 70053

AUGUST 3, 1989

AMERICAN BANKERS INS. CO.-SURETY

6020 CORNESTONE COURT WEST, SAN DIEGO, CALIF. 9212

AUGUST 3, 19 89

DA

3712

AUGUST 3, 1989

HON. DOUGLAS GREEN, INS. COMM.

19

Gretna, La.

Witness, our Hand and the Seal of said

Court this 3RD day of AUGUST

**19 89**

19 89  
*Barbara Doney*  
Deputy Clerk

Deputy Clerk

Sworn to and subscribed this 3RD day of

AUGUST 1989

Vande Weil  
Deputy Clerk

Deputy Clerk

ON REPLY  
AUG 8 1989

2023

STATE OF LOUISIANA  
VS.

AUBREY N. WALLACE

NO. 89-2360  
DIVISION A  
DATE 07/21/89  
COURT REPORTER- SANDY HANCOCK

DISTRICT ATTORNEY: J. MCMILLEN

JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE

DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT.

THE DEFENDANT WAS REPRESENTED BY UNREPRESENTED

--ATTACHMENT ISSUED-DEFEND

--JUDGMENT OF FORFEITURE

IF ARRESTED, BOND SET AT \$50,000.00 CASH/COMM.

BOND FORFEITURE HEARING:

W-BARBARA DOWNEY-CRIMINAL MINUTE CLERK-DIV. 'A'

THE DEFENDANT WAS REMANDED TO (AT LARGE)

*Barbara Downey*  
DEPUTY CLERK

ON MINUTES  
AUG 8 1989

ENTRY 1

PAGE 1 OF \_\_\_\_



15

No. 89-2360

**STATE OF LOUISIANA**

VS.

AUBRY N. WALLACE N/M [REDACTED] (PSEU BOND)

**24th Judicial District Court**

For the

PARISH OF JEFFERSON  
STATE OF LOUISIANA

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by BERNICE WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE, and against BERNICE WALLACE, his surety, in solido, in the sum of \$ 17,700.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

PLEASE SERVE:  
BERNICE WALLACE  
6305 4TH STREET, APT. 2A  
MARRERO, LA.

  
JUDGE

ON WRITES  
AUG 8 1989

No. 89-2360

STATE OF LOUISIANA

VS.

24th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

AUBREY N. WALLACE N/M [REDACTED] (COMM. BOND) POWER OF ATTY. #RB5-00684369

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBREY N. WALLACE, the defendant, he and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBREY N. WALLACE, and against AMERICAN BANKERS INS. CO., his surety, in solido, in the sum of \$ 2,500.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

PLEASE SIGN:  
AMERICAN BANKERS INS. CO.  
211 [REDACTED]  
GREEN, LA.

JUDGE

ON WHITE  
AUG 8 1989

No. 89-2360

## STATE OF LOUISIANA

VS.

24th Judicial District Court

For the

PARISH OF JEFFERSON  
STATE OF LOUISIANA

AUBRY N. WALLACE, N/M [REDACTED] (PSB BOND)

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBRY N. WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE and against BERNICE WALLACE, his surety, in solido, in the sum of \$ 17,700.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST

day of JULY, 19 89.

IN WITNESS WHEREOF, this 21st day of July 1989


BY CLARENCE WALLACE  
District Attorney

  
JUDGE

DOMINIC MA ZENACE

CLARENCE WALLACE  
District Attorney

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

  
DEPUTY CLERK  
JUDICIAL DISTRICT COURT,  
PARISH OF JEFFERSON, LA

34th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

STATE OF LOUISIANA

vs

Attorney at Law

RETURNING BAIL BOND

In the above entitled case, the defendant having failed to appear

in the court on the day of the trial, the

court has ordered the return of the bail bond to the clerk

of the court, and the law and justice being

therefore

IT IS ORDERED that the bail bond be returned

to the clerk of the court, and the

defendant be held to the trial on the day of

the trial, and the law and justice being

therefore

the court has ordered the return of the bail bond to the clerk

of the court, and the law and justice being

therefore

Parish of Jefferson

Deputy

Miss

Aug 1 1888

on this day of

leading same with

by

DOMICILIARY SERVICE

Parish of Jefferson

Deputy

Miss

Aug 1 1888

on this day of

PERSONAL SERVICE

*[Handwritten signature]*

*[Handwritten signature]*

No. 89-2360 001189 24th Judicial District Court  
 STATE OF LOUISIANA

VS.

For the  
 PARISH OF JEFFERSON  
 STATE OF LOUISIANA

AUBREY N. WALLACE, N/M [REDACTED] (COMM. BOND) POWER OF ATTY. #AB5-90884360

## JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being ordered to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBREY N. WALLACE, the defendant, be and the same hereby is forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBREY N. WALLACE, and against AMERICAN BANKERS INS. CO., his surety, in solido, in the sum of \$ 2,500.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

BEFORE ME:  
 AMERICAN BANKERS INS. CO.  
 221 BARRINGTON STREET  
 GREENA, LA.

AUG 07 1989

JUDGE

RECORDED AND SUBSCRIBED BEFORE  
 ME THIS 21ST DAY OF JULY, 19 89  
[Signature]  
 CLERK

TRUE COPY OF THE ORIGINAL  
 FILED IN THIS CASE

DEPUTY CLERK  
 JUDICIAL DISTRICT COURT,  
 PARISH OF JEFFERSON, LA.

Seal of the District Court

80-1-100

STATE OF LOUISIANA

PARISH OF JEFFERSON

STATE OF LOUISIANA

ORDER OF THE COURT OF APPEALS (IN RE: BOND) 1980-000430

ORDER OF THE COURT OF APPEALS

In the above entitled cause, the defendant having failed to answer

of the 1st day of 1980

and the defendant having failed to appear to answer to the charges

against him, and in violation of the first, second, and the law and evidence being

in the record.

It is ORDERED, that the defendant be and he shall be

the defendant, be and he shall be

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UCCAD 5468761 1980 JUL 16 10 20 AM '80

**DIV A**

ATTACHMENT

JUDGE  
G. THOMAS PORTERUS, JR.

STATE OF LOUISIANA PARISH OF JEFFERSON

**ENTERED  
IN MOTION**

24th Judicial District Court, No. 100  
Bond set at \$10,000.00 cash/coll.

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of ARMY D. WALLACE N/M  
and that you have HIM 10088901 10088901  
before your said Court, on the 21ST day of JULY, 1980

\_\_\_\_\_ to answer for a contempt in neglecting or  
refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE G. THOMAS PORTERUS, JR.

JUDGE OF THE SAID COURT

No. 80-2360 THE 21ST DAY OF JULY, 1980

CRIMINAL, K. S. 14:53.2 SIMPLE PURSUIT OF AN OUTSTANDING WARRANT

Clerk's Office, Courthouse, Gretna, La.

Deputy Clerk

JPG 1219.35

*10-6-89*  
*state adv. sub. does not*  
*live here, unk. sub. 100*

**DIV. A**

JUDGE

G. THOMAS PORTER, JR.

**State of Louisiana, Parish of Jefferson****24th Judicial District Court**STATE OF LOUISIANA

VS.

for the

Parish of Jefferson

AUBRY N. WALLACE N/M1521 AMES BLVD, APT. 112, MARRERO, LA.No. 89-2360RECALL OF ATTACHMENT OR CAPIAS

It is ordered that the attachment or capias issued in the above entitled case

upon AUBRY N. WALLACEon the 21ST day of JULY 19 89

is hereby recalled.

Signed this 16TH day of NOVEMBER19 89

Judge, 24th Judicial District Court

Received \_\_\_\_\_

Deputy Sheriff

ARR. SET 12/1/89

NOV 20 1989  
11 MINUTES

Nov 16 3 46 PM '89



*Wheeler-427*  
 ATTACHMENT  
 91372800

**DIV. A**

JUDGE  
 G. THOMAS PORTEOUS, JR.

STATE OF LOUISIANA

24th Judicial District  
 IF ARRESTED 2 MONTHS AT  
 \$50,000.00 CASH/COMM.

**IN RE**

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of AUBRY N. WALLACE N/M  
6305 4TH STREET, BLDG. 2, APT. A, WARRERO, LA.

and that you have HIM before our said Court, on the INSTANTER

\_\_\_\_\_ to answer for a contempt in neglecting or

refusing to attend before said Court as a \_\_\_\_\_ DEFENDANT

WITNESS THE HONORABLE G. THOMAS PORTEOUS, JR. JUDGE OF THE SAID COURT

THE 21ST DAY OF JULY 19 89

No. 89-2360

CHARGE: R. S. 14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING

Clerk's Office, Courthouse, Gretna, La.

*Barbara Dorney*  
 Deputy Clerk

**SUBPOENA**

No. 89-2360

Office of JON A. GEGENHEIMER, District Court

**24th Judicial District Court****STATE OF LOUISIANA**

vs.

STATE OF LOUISIANA

PARISH OF JEFFERSON

AUBRY N. WALLACE

To M

JODI GRANT

GREENA COURTHOUSE

B.A.'S OFFICE

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 1st day of DECEMBER in the year of Our Lord 19 89 at 9:30 AM for the purpose of ARRAIGNMENT in the above-entitled matter.

NOV 20 1989

19

0 4 4 3 9

NOV 21 1989

**PERSONAL**

Clerk's Office, Courthouse, Gretna, La.

NOVEMBER 17th, 1989

NOTICE

TO D.A.'S OFFICE

Court Clerk

C of C #79

# SUBPOENA

No. 89-2360

Office of JON A. GEGENHEIMER, Clerk of Court  
24th Judicial District Court

**STATE OF LOUISIANA**

vs.

**AUBRY N. WALLACE**

for the  
**STATE OF LOUISIANA  
PARISH OF JEFFERSON**

To M. **AUBRY N. WALLACE**  
1521 AMES BLVD., APT. #112  
BARRERO, LA. 70072

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 1st day of **DECEMBER** in the year of Our Lord 1989 at 9:00 AM for the purpose of **ARRAIGNMENT-B.S. 14:62.2. SIMPLE BURGLARY OF THE ABOVE ENTITLED MATTER.**

**INABETTER DRESSING**

By order of the Court:

**NOV 21 1989**

Clerk's Office, Courthouse, Gretna, La. **NOVEMBER 22nd, 1989**

COPIES TO BE SENT TO THE CLERK OF COURT AND TO THE DISTRICT ATTORNEY.

*Max Gray*

C of C #79

**AMERICAN**

19

Received on

I served a subpoena on the undersigned at the residence of the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

0355-08 AM

**SAINT JACQUES DISTRICT COURT**

**STATE OF LOUISIANA**  
 Parish of Jefferson,  
 miles from the Courthouse.

Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

**DEPUTY SHERIFF**

**JOHN J. JEFFERSON**

**JOHN J. JEFFERSON**  
 Deputy Sheriff, Parish of Jefferson

**PERSONAL SERVICE**  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 Parish of Jefferson

**WILLIAM M. JEFFERSON**  
 Sheriff, Parish of Jefferson  
**JOHN J. JEFFERSON**  
 Deputy Sheriff, Parish of Jefferson

19\_\_\_\_  
 I served a subpoena on the undersigned at the residence of the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 I served the undersigned with a copy of the subpoena and a copy of the return of the undersigned to the undersigned at the residence of the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 I served the undersigned with a copy of the subpoena and a copy of the return of the undersigned at the residence of the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 I served the undersigned with a copy of the subpoena and a copy of the return of the undersigned at the residence of the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

herein named by leaving the same at the hands of \_\_\_\_\_ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with his service I learned by interrogating the said \_\_\_\_\_ the said \_\_\_\_\_

temporarily absent from \_\_\_\_\_ residence at the time of said service.  
 Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

Deputy Sheriff

19

Deputy Sheriff, Parish of Jefferson

C O C 10

STATE OF LOUISIANA  
VS.

AUBREY N. WALLACE

NO. 89-2360  
DIVISION A  
DATE 12/01/89  
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT

JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT.

--ARRAIGNMENT - PLEAD NOT GUILTY

REPRESENTED BY VALERIE FONTAINE, WHO WAS

STANDING IN FOR JOSEPH TOSH, THE ATTORNEY OF RECORD.

THE DEFENDANT

WAIVED THE READING OF THE BILL OF INFORMATION AND

ENTERED A PLEA OF NOT GUILTY

WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.

--TRIAL

TRIAL SET 2/12/90 (ISSUE)

THE NEXT COURT DATE IS 02/12/90 AT 9:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

*Barbara Dorney*  
DEPUTY CLERK

ON MINUTES  
DEC 14 1989

# SUBPOENA

No. 892340

Office of JON A. GEGENHEIMER, Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

AUBRY N. WALLACE

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

To M. ANNE LAMBERT

DIV. A

GREYNA COURTHOUSE

DEPT. OFFICE 00000

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter,

JAN 2 - 1990

DEC 19 1989

PERSONAL

DECEMBER 11, 1989

Clerk's Office, Courthouse, Gretna, La.

DY. SHERIFF

Deputy Clerk

C of C #78

# SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER, Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

AUBREY N. WALLACE

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSONTo M. BERNICE WALLACEDIV. A4305 4TH STREET #2ABARBER LA 70072

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 12 day of DECEMBER in the year of Our Lord 1990 at 2:00 P.M. for the purpose of TRIAL in the above entitled matter,

By order of the Court:

DEC 19 1989

Clerk's Office, Courthouse, Gretna, La.

DECEMBER 18 1989

Deputy Clerk

C of C #79

**RECEIVED**

Received on \_\_\_\_\_ 19\_\_

I served a subpoena on \_\_\_\_\_

on \_\_\_\_\_

**3rd Judicial District Court**

Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

**PARISH OF JEFFERSON**

**ABNEY H. WALLACE**

Deputy Sheriff, Parish of Jefferson

---

**DOMICILIARY**

19\_\_

I served a subpoena on \_\_\_\_\_

on \_\_\_\_\_

for the purpose of \_\_\_\_\_

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson

in the hands of Arnold Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said Arnold Wallace

the said Arnold Wallace

temporarily absent from \_\_\_\_\_ residence at the time of said service.

Service at a distance of \_\_\_\_\_ miles from the Courthouse.

**Deputy Sheriff**

**Returned**

19\_\_

**Deputy Sheriff, Parish of Jefferson**



DE **SUBPOENA**No. AP2326

Office of JON A. GEGENHEIMER, Clerk of Court

**STATE OF LOUISIANA****24th Judicial District Court**

for the

**STATE OF LOUISIANA  
PARISH OF JEFFERSON****ALBRY L. BELLARD**To: M. JEE TOSH  
300 HUEY P. LONG AVE  
GRETNA LADIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 7:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

**DEC 19 1989**

Clerk's Office, Courthouse, Gretna, La.

**DECEMBER 11, 1989**

Deputy Clerk

C of C #79

Received on \_\_\_\_\_

of \_\_\_\_\_

on \_\_\_\_\_

herein named by \_\_\_\_\_

Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

herein named by \_\_\_\_\_

for the purpose of \_\_\_\_\_

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson

in the hands of \_\_\_\_\_

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_

the said \_\_\_\_\_

temporarily absent from \_\_\_\_\_ residence at the time of said service.

Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

Deputy Sheriff, Parish of Jefferson

19 \_\_\_\_\_

Deputy Sheriff, Parish of Jefferson

<b>SUBPOENA</b>	
No. <u>892340</u>	Office of <u>JON A. GEGENHEIMER</u> Clerk of Court
<b>STATE OF LOUISIANA</b>	<b>24th Judicial District Court</b>
<u>MURRY N. MACLARE</u>	for the <u>STATE OF LOUISIANA</u> <u>PARISH OF JEFFERSON</u>
To M. R. <u>MC DONALD</u>	DIV. <u>A</u>
<u>24th JUD DIST</u>	
You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the <u>12</u> day of <u>DECEMBER</u> in the year of Our Lord 19 <u>80</u> at <u>2:00 P.M.</u> for the purpose of <u>TRIAL</u> in the above entitled matter.	
By order of the Court: <u>DEC 19 1989</u> <u>DECEMBER 11, 1989</u> Clerk's Office, Courthouse, Gretna, La.	
STATE WITNESS	<u>maclare</u> Deputy Clerk

**SUBPOENA**

Received on \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_  
I served on \_\_\_\_\_  
on \_\_\_\_\_  
**State of Louisiana**  
Louisiana, at a distance of \_\_\_\_\_ miles from the Courthouse.  
\_\_\_\_\_ Parish of Jefferson  
\_\_\_\_\_ Sheriff, Parish of Jefferson

**DOMICILIARY**

I am hereby ordered to appear before the Court at \_\_\_\_\_  
in the Parish of \_\_\_\_\_  
at the residence of \_\_\_\_\_  
herein named by the above the same at \_\_\_\_\_ domicile in the Parish of Jefferson  
in the hands of \_\_\_\_\_  
a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts  
connected with this service I learned by interrogating the said \_\_\_\_\_  
the said \_\_\_\_\_  
temporarily absent from \_\_\_\_\_ residence at the time of said service.  
Service at a distance of \_\_\_\_\_ miles from the Courthouse.

Returned \_\_\_\_\_  
Deputy Clerk \_\_\_\_\_ Deputy Sheriff, Parish of Jefferson

<b>SUBPOENA</b>	
No. <u>202240</u>	CLERK OF COURT
<b>STATE OF LOUISIANA</b>	
<b>24th Judicial District Court</b>	
<b>STATE OF LOUISIANA</b>	
<b>PARISH OF JEFFERSON</b>	
To M. <u>BROWDWATER</u>	DIV. <u>A</u>
<u>DEF. JESS AND DIST</u>	
You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the <u>12</u> day of <u>FEBRUARY</u> in the year of Our Lord 19 <u>90</u> at <u>7:00 A.M.</u> for the purpose of <u>trial</u> in the above entitled matter.	
By order of the Court <u>DEC 19 1989</u>	
Clerk's Office, Courthouse, Gretna, La. <u>DECEMBER 11 1989</u>	
STATE WITNESS	<u>MadQuay</u> Deputy Clerk
C of C #99	

**STATE OF LOUISIANA**

I, James H. Harrison, Sheriff of the Parish of Jefferson, do hereby certify that the following is a true and correct copy of the original record as the same appears in the books of said Parish.

On 19th day of March, 1911, at a distance of about 10 miles from the Courthouse, in the Parish of Jefferson, State of Louisiana, I served a subpoena on James H. Harrison, Sheriff of the Parish of Jefferson, who is the owner of the above named land.

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson in the hands of \_\_\_\_\_

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_

the said \_\_\_\_\_ residence at the time of said service.

temporarily absent from \_\_\_\_\_ miles from the Courthouse.

Service at a distance of \_\_\_\_\_ miles from the Courthouse.

Returned \_\_\_\_\_ 1911

Deputy Sheriff Parish of Jefferson

J. H. Harrison

**SUBPOENA**No. 822340CLERK OF COURT  
**24th Judicial District Court****STATE OF LOUISIANA**for the  
**STATE OF LOUISIANA  
PARISH OF JEFFERSON**To M M. JONES  
REP JPSD 3RD DISTDIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court

DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

C of C #19

Received on 1-3 0 1990 and on 10 1990  
 I serve a subpoena on John Jefferson  
 on 1-3 0 1990  
 Louisiana, at a distance of about  
PARISH OF JEFFERSON  
STATE OF LOUISIANA  
DAVID L. JEFFERSON  
19  
Deputy Sheriff, Parish of Jefferson  
 To M. M. DEPT. OF JUSTICE  
 BOMILIARY  
 You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 15 day of February, in the year of Our Lord 1990 at the above entitled matter for the purpose of trial.  
 herein named by leaving the same at my residence domicile in the Parish of Jefferson in the hands of myself  
 a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said person  
 the said person residence at the time of said service.  
 temporarily absent from my residence miles from the Courthouse  
 Service at a distance of about miles from the Courthouse  
 Returned 19  
 Deputy Sheriff, Parish of Jefferson



[illegible]

**SUBPOENA**No. 892840JAMES A. SEGENHEIMER Clerk of Court  
**24th Judicial District Court****STATE OF LOUISIANA**for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**To M. R. LEWIS  
DEP JPSO 3RD DISTDIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 80 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

C of C #79

STATE OF LOUISIANA  
VS.

AUBREY N. WALLACE

NO. 89-2360  
DIVISION A  
DATE 02/12/90  
COURT REPORTER- SANDY HANCOCK

DISTRICT ATTORNEY: ANN LAMBERT

JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANT WAS REPRESENTED BY JOSEPH TUSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR 4/23/90 (ISSUE).

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 04/23/90 AT 9:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

  
DEPUTY CLERK

ON MINUTES  
FEB 20 1990

02-0 SUBPOENA C-85-5

No. 872360

Office of JON A. GEGENHEIMER, Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

AUBREY WALLACE

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

To M. LAWRENCE KORNMAN  
2100 WOODMERE ST  
HARVEY LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

FEB. 21 1990

Deputy Clerk

[illegible]

# SUBPOENA

No. <u>882360</u>	Office of JON A. GEGENHEIMER, Clerk of Court
<b>STATE OF LOUISIANA</b>	<b>24th Judicial District Court</b>
vs.	for the
<b>AUBREY WALLACE</b>	<b>STATE OF LOUISIANA</b>
	<b>PARISH OF JEFFERSON</b>
To M. <u>BERNICE WALLAGE</u>	DIV. <u>A</u>
<u>4305 4TH STREET #2A</u>	
<u>MARRERO LA 70072</u>	
You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the <u>23</u> day of <u>APRIL</u> in the year of Our Lord 19 <u>90</u> at <u>9:00 A.M.</u> for the purpose of <u>TRIAL</u> in the above entitled matter.	
By order of the Court	
Clerk's Office, Courthouse, Gretna, La. <u>FEBRUARY 16, 1990</u>	
<u>SEP 21 1990</u>	
Deputy Clerk	

**RETURN**

Received on \_\_\_\_\_ 19\_\_

I served a process on \_\_\_\_\_ at \_\_\_\_\_

on \_\_\_\_\_

in the Parish of \_\_\_\_\_

Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

\_\_\_\_\_ 19\_\_

Deputy Sheriff, Parish of Jefferson

A DIV

**DOMICILIARY**

for \_\_\_\_\_ 19\_\_

in the hands of \_\_\_\_\_

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said \_\_\_\_\_

the said \_\_\_\_\_ residence at the time of said service.

temporarily absent from \_\_\_\_\_

Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

\_\_\_\_\_ 19\_\_

Returned \_\_\_\_\_

Deputy Sheriff, Parish of Jefferson

DE **SUBPOENA**

No. 89285

Office of JON A. GEGENHEIMER, Clerk of Court

**STATE OF LOUISIANA**

**24th Judicial District Court**

for the

**STATE OF LOUISIANA  
PARISH OF JEFFERSON**

AUBRY, WARRICK

To M. JOE TOSH  
360 HUEY P. LONG AVE  
GRETNALA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 23 day of APRIL in the year of Our Lord 1990 at 9:00 A.M., for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La.

FEBRUARY 16, 1990

FEB. 21 1990

Deputy Clerk

C of C #79



Received on \_\_\_\_\_  
I was at \_\_\_\_\_  
on \_\_\_\_\_  
Said Judicial District Court  
Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.  
Parish of Jefferson  
Deputy Sheriff, Parish of Jefferson

A DIV TOSH IDE M To  
BOMICHARY LA CRETINA LA 300 HEBE P LUNG AVE

You are hereby directed to appear before the said Judicial District Court in and for the Parish of Jefferson on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 19\_\_\_\_ at \_\_\_\_\_ in the above entitled matter for the purpose of TRIAL.

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson in the hands of \_\_\_\_\_ By order of the Court:

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_ the said \_\_\_\_\_ residence at the time of said service. temporarily absent from \_\_\_\_\_ miles from the Courthouse.

Service made as required by law.  
Returned \_\_\_\_\_  
Deputy Sheriff, Parish of Jefferson

SUBPOENA	
No. <u>892360</u>	Office of JON A. GEGENHEIMER Clerk of Court
<b>STATE OF LOUISIANA</b>	<b>24th Judicial District Court</b>
vs.	for the
<u>AUBREY WALLACE</u>	<b>STATE OF LOUISIANA</b>
	<b>PARISH OF JEFFERSON</b>
To. M. <u>ANNE LAMBERT</u>	DIV. <u>A</u>
<u>GRETNIA COURTHOUSE</u>	
<u>B.A. OFFICE 00000</u>	
<p>You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the <u>23</u> day of <u>APRIL</u> in the year of Our Lord 19 <u>90</u> at <u>9:00 A.M.</u> for the purpose of: <u>TRIAL</u> in the above entitled matter.</p>	
<p>MAR 01 1990</p> <p><b>PERSONAL</b></p> <p><i>[Signature]</i> SHERIFF</p>	<p>By order of the Court</p> <p>Clerk's Office, Courthouse, Gretna, La. <u>FEBRUARY 16, 1990</u></p> <p><u>FEB 21 1990</u></p> <p><i>[Signature]</i> Deputy Clerk</p>
C of C #19	

## 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360

DIVISION: "A"

STATE OF LOUISIANA

VS.

AUBRY WALLACE

FILED: \_\_\_\_\_

DEPUTY CLERK

MOTION FOR CONTINUANCE

NOW INTO COURT comes the defendant, AUBRY WALLACE, through undersigned counsel, JOSEPH J. TOSH, to respectfully move this Honorable Court for a continuance for the following reason:

I.

JOSEPH J. TOSH is Chairman of the Jefferson Parish Planning Advisory Board, and said Board has a out-of-town conference scheduled for the week of April 23, 1990 through April 27, 1990.

WHEREFORE, counsel for the defendant respectfully moves that this matter be continued to a later date.

RESPECTFULLY SUBMITTED,

*Joseph J. Tosh*  
 JOSEPH J. TOSH  
 ATTORNEY FOR DEFENDANT  
 180 HUEY P. LONG AVE., STE. D  
 GRETN, LA 70053  
 (504) 362-4873

O R D E R

CONSIDERING THE FOREGOING MOTION FOR CONTINUANCE;

IT IS ORDERED that this matter be continued to the 7th day of May, 1990 at 9 o'clock A.m.  
 GRETN, LOUISIANA, this 3rd day of April, 1990.

*[Signature]*  
 J U D G E

ON MINUTES  
 APR. 5 1990

90 MAR 28 P 3: 43  
 CLERK OF COURT  
 PARISH OF JEFFERSON LA

FILED FOR RECORD

**SUBPOENA**No. 892360**STATE OF LOUISIANA**

vs.

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

**STATE OF LOUISIANA****PARISH OF JEFFERSON**To M. ANNE LAMBERTGREYNA BIRTHOUSED.A. DERTER 000000DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7<sup>th</sup> day of MAY in the year of Our Lord 19 90 at 2:00 A.M. for the purpose of testify in the above entitled matter.

**PERSONAL****APR 11 1990**

Clerk's Office, Courthouse, Gretna, La.

APRIL 04, 1990

Deputy Clerk

# SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M J BROWDWATER  
DEF JPFD 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

FEB 21 1990

Deputy Clerk

of C #79

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It is owned in person by the Earl of Salisbury, miles from the house.

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1990年12月25日

*[Signature]*  
Deputy Sheriff - City of Jefferson

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# SUBPOENA

No. 892360

**STATE OF LOUISIANA**

vs.

AUBREY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

**STATE OF LOUISIANA**

**PARISH OF JEFFERSON**

To M M JONES  
DEP JPSD 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

FEB. 21 1990

Deputy Clerk

of C #79

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James A. Sherry, Jr., Deputy Sheriff

Col 4438



# SUBPOENA

No. 892360

**STATE OF LOUISIANA**

vs.

ALBERT W. WATKINS

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

23/2 STATE OF LOUISIANA

PARISH OF JEFFERSON

To M E

LEWIS

DEP JFSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

Deputy Clerk

2 of C #79

FEB 21 1990

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Returned

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Deputy Sheriff

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Deputy Sheriff

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# SUBPOENA

No. 892360

**STATE OF LOUISIANA**

vs.

~~AUBRY WALLACE~~

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

**STATE OF LOUISIANA**

**PARISH OF JEFFERSON**

To M AUBREY N WALLACE  
1521 AMES BLVD, A-112  
MARRERO LA

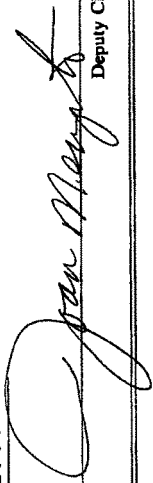
DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 3:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

**FEB. 21 1990**



Deputy Clerk

of C #79

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# SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

## 24th Judicial District Court

**STATE OF LOUISIANA**

vs.

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

AUBREY N. WALLACE

To M. BERNICE WALLACE

6305 4TH STREET#2A

MAKERDIA LA 70072

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

**APR 11 1990**

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

*[Signature]*  
Deputy Clerk



# SUBPOENA

No. 822340

**STATE OF LOUISIANA**

Office of JON A. GEGENHEIMER, Clerk of Court

**24th Judicial District Court**

for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**

To M. JOHNS  
DEPT. JEFF. 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 2:00 P.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. **APR 11 1990**

**STATE WITNESS**

Deputy Clerk

of C #79

**AMENDMENT**

Received on 19 April 1941 and on

on 19 April 1941 at Jefferson, Louisiana

person, State of Louisiana  
miles from the Courthouse.

**PARISH OF JEFFERSON**  
**DEPUTY SHERIFF**

*[Signature]*  
Deputy Sheriff, Parish of Jefferson

**IN**

**Met**

**DOMICILIARY**

19  
in the year 1941 to 1941 from 1941 to 1941  
I served a term of years in the Penitentiary of the State of Louisiana  
for the purpose of detention in the Parish of Jefferson  
herein named by leaving the same at Jefferson  
in the hands of the Sheriff  
a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said  
the said person temporarily absent from the Penitentiary  
Service at a distance of about 10 miles from the Courthouse  
Returned 19

**APR 19 1941**

Deputy Sheriff, Parish of Jefferson

**C 91 C 148**



# SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

**STATE OF LOUISIANA**

**24th Judicial District Court**

vs.

for the

STATE OF LOUISIANA  
PARISH OF JEFFERSON

AUBRY N. WALLACE

To M AMERICAN BANKERS INS.  
221 DERBIGNY ST.  
GRETN, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La.

APRIL 4 1990

APR 11 1990

Deputy Clerk

of C #79

**RECEIVED**

Received on

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NO. 655360

**OFFICE OF THE COMMISSIONER OF THE COURTHOUSE,**  
Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

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**EDUCATION SERVICE**

**PARISH OF JEFFERSON**  
**DEPARTMENT OF TOURISM**

**DEPUTY SHERIFF, PARISH OF JEFFERSON**  
**FOR ABBY L. M. VILLAGE**

**DIV. A**

**1011 AMERICAN BANKERS INS.**  
**351 DERBIGNY ST.**

**DOMINICARY**

**THE LIAISON**

19   

You are hereby notified that the said person named herein is a person named by leaving the same at \_\_\_\_\_ in the hands of \_\_\_\_\_ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_ the said \_\_\_\_\_ temporarily absent from \_\_\_\_\_ Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

for the purposes of: **TRIT**

by order of the Court

Jefferson on the    day of    MAY    19   

in the year of Our Lord 19    and in the month of    day of    19   

**ABRIL 1900**

Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

**Deputy Clerk**

**Refused**

19   

Deputy Sheriff, Parish of Jefferson

**C 91 C #18**

# **SUBPOENA**

No. 892340

Office of JON A. GEGENHEIMER Clerk of Court

**STATE OF LOUISIANA**

**#24th Judicial District Court**

vs.

AUBREY N. WALLACE

for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**

To M. JOE

TOSH

DIV. A

300 HUEY P. LONG AVE

GRETNALA

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

**APR 11 1990**  
APR 11 1990

Clerk's Office, Courthouse, Gretna, La.

Deputy Clerk

MC #79

**CONFIDENTIAL**

Received on

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NO. 845320

STATE OF LOUISIANA, Parish of Jefferson, Louisiana, at a distance of \_\_\_\_\_ miles from the Courthouse.

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Deputy Sheriff, Parish of Jefferson

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19

You are hereby ordered to appear in the Parish of Jefferson on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the afternoon for the purpose of \_\_\_\_\_

for the purpose of \_\_\_\_\_

herein named by leaving the same at \_\_\_\_\_

in the hands of \_\_\_\_\_

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned \_\_\_\_\_

the said \_\_\_\_\_

temporarily \_\_\_\_\_ from \_\_\_\_\_

Service \_\_\_\_\_

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Deputy Sheriff, Parish of Jefferson

C O C #13B

# SUBPOENA

No. 892360

Office of JON-A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

vs.

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

AUREY N. WALLACE

To M. AUREY N. WALLACE  
1521 AMES BLVD. A-112  
BARRERO LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna

Deputy Clerk

RECEIVED TO SHERIFF'S OFFICE NOT SERVED  
DEPUTY SHERIFF  
APRIL 04, 1990  
REMARKS

APR 11 1990

# SUBPOENA

No. 99-360 Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

STATE OF LOUISIANA

for the  
STATE OF LOUISIANA  
PARISH OF JEFFERSON

ALBERT N. WALLACE

DIV. A

To: M. AUBREY N. WALLACE  
1531 AMES BLVD. A-112  
BARRERO LA

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 1990 at 2:00 P.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

04, 1990

Clerk's Office, Courthouse, Gretna, La. APRIL

**APR 11 1990**

Deputy Clerk

C of C #79

*Return* **SUBPOENA**

No. 89-2360

**STATE OF LOUISIANA**

VS.

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. LAWRENCE KORNMAN

2100 WOODMERE ST

HARVEY LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 1990 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. APRIL 04 1990

STATE WITNESS

Deputy Clerk

of C #79

APR 11 1990

19 and on

財政部

# help wanted in oil TO BRUSH OFF PERSON

miles from the Courthouse.

19

~~T. A. Tolp, Jr., Chairman~~  
Deputy Sheriff, Parish of Jefferson

**कुलपति महोदय**

**TELEPHONE NO.**

TELEPHONE CO. 25

**DOMESTICALLY**

# THE NEW YORK

69. You are pleased to receive the enclosed copy of the report of the Committee on the part of the Board of Directors.

**domicile in the Parish of Jefferson**

~~Plaid of the Court~~

18

Grassroots

residence at the time of said service.

miles from the Courthouse.

19

61. 19

新刊



# SUBPOENA

No. 882340

**STATE OF LOUISIANA**

LAUCHLIN CURRIE, JR., Sheriff

**ALFRED N. WALLACE**

Office of JON A. GEGENHEIMER, Clerk of Court

**24th Judicial District Court**

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. R. MCDONALD  
DET. JESSE GIRD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 1990 at 2:00 A.M. for the purpose of TESTIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

STATE WITNESS

Deputy Clerk

APR 11 1990

of C #79

3-90

No. 82,306

**ADVERTISEMENT TO THE PUBLIC**  
 he health of the people of this State is a matter of great importance, and it is the duty of the State to protect it. The State of New York has a long and honorable record in the protection of the health of its people, and it is the duty of the State to continue this record. The State of New York has a long and honorable record in the protection of the health of its people, and it is the duty of the State to continue this record. The State of New York has a long and honorable record in the protection of the health of its people, and it is the duty of the State to continue this record.

BYSTAND OF THE BEYOND  
PARADISE OF THE BEYOND

19  
St. James' Park

Deputy Sheriff, Parish of Jefferson

141-80094-10

Top

## 61

case of LEWIS in the above entitled matter  
the day of May in the month of One Thousand Nine Hundred and  
You are hereby ordered to appear before the State District Court in and County of San Diego

herein named by leaving the same at  
in the hands of \_\_\_\_\_

domicile in the Parish of Jefferson

\_\_\_\_\_ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_

the said

temporarily absent from

Service at a distance of about

**Returned**

61

Deputy Sheriff, Parish of Jefferson

●●●●●

STATE OF LOUISIANA  
VS.  
AUBREY N. WALLACE

NO. 89-2360  
DIVISION A  
DATE 05/07/90  
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT

JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE  
DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANT WAS REPRESENTED BY JOSEPH TOSH

--ATTACHMENT ISSUED-DEFEND  
IF ARRESTED, BOND SET AT \$45,000.00 CASH/COMM. NO REDUCTION

--JUDGMENT OF FORFEITURE  
BOND FORFEITURE HEARING:  
W-BARBARA DOWNEY-CRIMINAL MINUTE CLERK DIV. 'A'

DO NOT ISSUE

THE DEFENDANT WAS REMANDED TO (AT LARGE)

*Barbara Downey*  
DEPUTY CLERK

ON MINUTES  
MAY 15 1990

ENTRY **4**

PAGE 1 OF \_\_\_\_\_

STATE OF LOUISIANA  
VS.

AUBREY N. WALLACE

No. 89-2360  
DIVISION A  
DATE 05/09/90  
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT

JUDGE: G.T. PORTEDUS JR

THE DEFENDANT AUBREY N. WALLACE

APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.  
THE DEFENDANT WAS REPRESENTED BY JOSEPH TOSH

--CONTINUED-BY DEFENSE

THE TRIAL WAS ORDERED:

CONTINUED AND RE-SET FOR 6/25/90 (ISSUE).

THE ACTION WAS TAKEN:

AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 06/25/90 AT 9:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

  
DEPUTY CLERK

22 MINUTES  
MAY 15 1990

NO. **SUBPOENA**  
 XXXXXXXXXXXXXXXXXXXXXXX  
 XXXXXXXXXXXXXXXXXXXXXXX

No. 882340

Office of JON A. GEGENHEIMER Clerk of Court

**STATE OF LOUISIANA****24th Judicial District Court**

vs.

for the

**STATE OF LOUISIANA  
PARISH OF JEFFERSON**AUBRY N. WALLACETo M ANNE LAMBERT  
GREINA COURTHOUSE  
D.A. OFFICE 00000DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of  
 Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M.  
 for the purpose of: TRIAL MAY 22 1990 in the above entitled matter.

By order of the Court:

**PERSONAL**

Clerk's Office, Courthouse, Gretna, La.

MAY 14 1990

MAY 21 1990

DEPUTY CLERK

Deputy Clerk

DE **SUBPOENA**

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

**STATE OF LOUISIANA**

**24th Judicial District Court**

VS.

for the

**STATE OF LOUISIANA  
PARISH OF JEFFERSON**

AUBREY N. WALLACE

To M. JOE TOSH.  
300 HUEY F. LONG AVE  
GRETNA LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

*ma O'neal*

Deputy Clerk

Received on \_\_\_\_\_ 19\_\_

STATE OF LOUISIANA  
 Parish of Jefferson  
 Sheriff's Office

On \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_  
 at \_\_\_\_\_, Louisiana, at a distance of \_\_\_\_\_ miles from the Courthouse.

\_\_\_\_\_ 19\_\_

Deputy Sheriff, Parish of Jefferson

TO THE  
 HON. THE  
 JUDGE OF THE  
 COURT

For the purpose of \_\_\_\_\_  
 in the year of our Lord \_\_\_\_\_  
 in the above entitled \_\_\_\_\_  
 herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson  
 in the hands of \_\_\_\_\_  
 a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts  
 connected with this service I learned by interrogating the said \_\_\_\_\_  
 the said \_\_\_\_\_  
 temporarily absent from \_\_\_\_\_ residence at the time of said service.  
 Service at a distance of about \_\_\_\_\_ miles from \_\_\_\_\_ Courthouse.  
 \_\_\_\_\_ 19\_\_

Returned \_\_\_\_\_

Deputy Sheriff, Parish of Jefferson

ek # C to C

**SUBPOENA**No. 872360Office of JONAS GESENHEIMER Clerk of Court**STATE OF LOUISIANA****24th Judicial District Court**

VS.

AUBREY N. WALLACEDATE  
RETURNED  
REMARKSTO SHERIFF'S  
Noted  
HeldSTATE OF LOUISIANA  
PARISH OF JEFFERSON  
DEPUTY SHERIFF'S, PARISH OF JEFFERSONTo M AUBREY N. WALLACE  
1521 AMES BLVD. A 112  
MARRERO LAYou are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

*McQuay*

Deputy Clerk



**SUBPOENA**No. 892360

Office of JON A. GEGENHEIMER, Clerk of Court

**STATE OF LOUISIANA****24th Judicial District Court**for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**AUBREY N. WALLACETo-M AUBREY N WALLACE  
1521 AMES BLVD. A-112  
BARRERO LADIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990MAY 21 1990*MacQuay*

Deputy Clerk

# NO. **SUBPOENA**

No. 892340

Office of JON A. GEGENHEIMER Clerk of Court

**STATE OF LOUISIANA****24th Judicial District Court**

for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**

AUBRY N. WALLAGETo: M. BERNICE WALLAGEDIV. A4965 4TH STREET #2AMARRERO LA 70072

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990MAY 21 1990

Deputy Clerk

**RECEIVED**

Received on \_\_\_\_\_ 19\_\_

at \_\_\_\_\_

on \_\_\_\_\_

**24th Judicial District Court**

Louisiana, at a distance of about \_\_\_\_\_ miles from the Courthouse.

**PARISH OF JEFFERSON**

\_\_\_\_\_ 19\_\_

Deputy Sheriff, Parish of Jefferson

---

**DOMICILIARY**

\_\_\_\_\_ 19\_\_

in the hands of William B. Payne

herein named by leaving the same at \_\_\_\_\_ domicile in the Parish of Jefferson

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said Daughter

the said Bernice Walker \_\_\_\_\_

temporarily absent from \_\_\_\_\_ residence at the time of said service.

Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

\_\_\_\_\_ 19\_\_

Deputy Sheriff, Parish of Jefferson

C of C 13

**SUBPOENA**No. 892360

Office of JON A. GEGENHEIMER, Clerk of Court

**STATE OF LOUISIANA****24th Judicial District Court**for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**To M. E. LEWIS  
DEP. JPSO 3RD DISTDIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

g. Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990STATE WITNESS MAY 21 1990

Deputy Clerk

**SUBPOENA**

Received on 6-1-1979 and on 6-1-1979

I served a subpoena on James Earl Ray at 24th Judicial District Court on 6-1-1979

at Louisiana, at a distance of about 6-1 miles from the Courthouse.

**HARRIS OF JEFFERSON**  
Deputy Sheriff, Parish of Jefferson

**STATE OF LOUISIANA**  
Deputy Sheriff, Parish of Jefferson

---

**DOMICILIARY**

1979  
I served a subpoena on James Earl Ray at 24th Judicial District Court on 6-1-1979 for the purpose of TRIAL in the above entitled case.

herein named by leaving the same at the residence of the Court domicile in the Parish of Jefferson in the hands of James Earl Ray

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said James Earl Ray

the said James Earl Ray residence at the time of said service.

temporarily absent from James Earl Ray residence at the time of said service.

Service at a distance of about 6-1 miles from the Courthouse.

James Earl Ray Returned

**STATE OF LOUISIANA**  
Deputy Sheriff, Parish of Jefferson

**SUBPOENA**

No. 022340

Office of JON A. BEGENHEIMER Clerk of Court  
**24th Judicial District Court**  
 for the  
**STATE OF LOUISIANA**  
**PARISH OF JEFFERSON**

**STATE OF LOUISIANA**

AUBRY N. PALLADE

VS.

THE STATE OF LOUISIANA  
 PARISH OF JEFFERSON

DIV. A

That you are commanded to appear before the 24th Judicial District Court in and for the Parish of Jefferson in the year of Our Lord 1990 at 10:00 A.M. for the purpose of testifying in the above entitled matter.

By order of the Court:

\_\_\_\_\_  
 Clerk of Court, Gretna, La.

Received on \_\_\_\_\_ 19\_\_\_\_ and on \_\_\_\_\_ 19\_\_\_\_

I served a true copy of the within \_\_\_\_\_  
of James R. Jones

herein named in person, in the Parish of Jefferson,  
miles from the Courthouse.

Louisiana, at a distance of about \_\_\_\_\_

Returned \_\_\_\_\_ 19\_\_\_\_

Respectfully,  
[Signature]  
Deputy Sheriff, Parish of Jefferson

### DOMICILIARY

Received on \_\_\_\_\_ 19\_\_\_\_ and on \_\_\_\_\_ 19\_\_\_\_

I served a true copy of the within \_\_\_\_\_  
on \_\_\_\_\_

herein named by leaving the same at \_\_\_\_\_  
the hands of \_\_\_\_\_

a person apparently over the age 16 years, living and residing in the said domicile who  
connected with this service I learned by interrogating the said \_\_\_\_\_

\_\_\_\_\_

# SUBPOENA

No. 852360

**STATE OF LOUISIANA**

Office of **RON A. GEGENHEIMER**, Clerk of Court  
**24th Judicial District Court**

for the: STATE OF LOUISIANA

**PARISH OF JEFFERSON**

**AUBREY N. WATKINS**

To: **M. JONES**  
**DEPT. JPSS 3RD DIST**

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 25 day of JUNE in the year of Our Lord 1990 at 9:00 A.M. in the above entitled matter for the purpose of TRIAL.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. **MAY 14, 1990**

**STATE WITNESS** MAY 21, 1990

Deputy Clerk

of C #79



**RECEIVED**

Received on 25 MAY 19 2 and on

SAFETY DIVISION

SAFETY DIVISION

STATE OF LOUISIANA

Louisiana, at a distance of about

PARISH OF JEFFERSON

PARISH OF JEFFERSON

Deputy Sheriff, Parish of Jefferson

**DOMICILIARY**

19  
 The undersigned, Sheriff of the Parish of Jefferson, do hereby certify that the person named herein named by leaving the same at domicile in the Parish of Jefferson  
 in the hands of  
 a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said  
 the said  
 temporarily absent from  
 Service at a distance of about 1.5 miles from the Courthouse  
 19

herein named by leaving the same at domicile in the Parish of Jefferson

in the hands of

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said

the said

temporarily absent from

Service at a distance of about 1.5 miles from the Courthouse

19

Deputy Sheriff

Retained

Deputy Sheriff, Parish of Jefferson

C of C 19

# SUBPOENA

No. 892340

Office of JON A. GEGENHEIMER, Clerk of Court

24th Judicial District Court

STATE OF LOUISIANA

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

ALBERT H. WALLACE

DIV. A

HEDONALD

SEP 1950 3RD DIST

To M. R.

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 1950 at 7:30 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court

14, 1950

MAY

Clerk's Office, Courthouse, Gretna, La.

STATE WITNESS

MAY 21 1990

Deputy Clerk

of C #79

19

**Mo. State**

**ADMITTED TO COURT** \_\_\_\_\_ miles from the Courthouse.

miles from the Courthouse.

*[Signature]*

संस्कृत-विज्ञान

~~Deputy Sheriff, Parish of Jefferson~~ - 2021

**Tom**

—

# DOMICILIARY

61 You are hereby ordered to submit propo

for the purpose of...  
in the vest of Our Lord Jesus Christ  
in the above stipulated manner

**domicile in the Parish of Jefferson**

Prayer of the Cross

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said \_\_\_\_\_

the said \_\_\_\_\_

temporarily absent from \_\_\_\_\_ residence at the time of said service

Service at a distance of about \_\_\_\_\_ miles from the Courthouse.

Returned  
Dennis Clark  
6 MAY 1966  
10 11 33 AM '66  
01 14533  
01 14533

**Returned**

ADOLF S. ALTMAN

—

Deputy Sheriff, Parish of Jefferson

CC 01 C #13

## STATE OF LOUISIANA, PARISH OF JEFFERSON

## 24th Judicial District Court

State of Louisiana

VS.

No. 89-2360Aubrey N. WallaceDivision ADate 6/25/90C.R. - Mary DeVunDISTRICT ATTORNEY LAMBERTJUDGE ORTEOUS

## CONTINUANCES

The defendant Aubrey N. Wallace appeared before the  
bar of the court this day for trial

He was:

1. ( ) represented by \_\_\_\_\_, attorney.

2. ( ☒ ) unrepresented.The trial was ordered:

1. ( ) continued to be reassigned.

2. ( ☒ ) continued without date.3. ( ☒ ) continued and re-set for 6/26/90 (trial)

The action was taken:

1. ( ☒ ) at the request of the assistant district attorney.2. ( ☒ ) at the request of the defendant attorney.

3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.

4. ( ) by order of the court.

Barbara Dawney  
Deputy ClerkEntry No. 6

ON MINUTES

JUL 17 1990

Crim. # 3-Cont

## TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER 85-2360DIVISION A

STATE OF LOUISIANA

vs.

Filed 6/26/90Aubrey WallaceBarbara Dwayne

DEFENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL  
RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A  
PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

First, tell this court how old you are? And how much schooling have you had? <sup>29</sup> 12th grade H.S. DIPLOMA

1. You are pleading guilty to the crime of R-S. 14.62 SIMPLE ROBBERY

which occurred on the 8th day of May, 19 89.  
The maximum sentence which I can impose is 12 years at hard labor.  
There is no probation, parole or suspension of sentence for the crime of  
Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one can force you to so plead? To plead guilty is your voluntary act and must be free from any vice or defect which would render your ability to plead guilty inadequate. Has anyone used any force, intimidation, coercion or promise or reward against either you or any member of your family for the purpose of making or forcing you to plead guilty?

Page 2

Have you been advised by your counsel that in the event I accept your plea of guilty, that you will be sentenced as follows:

3 yrs at hard labor, suspended, 2 yrs. active  
probation.  
210/ma.

3. You have the right to a trial by jury, which jury may either find you guilty as charged, guilty of a lesser crime, or not guilty. You have the right to hire an attorney of your choice to defend you at that trial. If you cannot afford an attorney, one will be appointed for you, which will cost you nothing. By entering a plea of guilty, you are waiving or giving up these rights. Do you understand that?

4. At any jury trial, you have the right to confront your accusers and to compel testimony on your behalf from your witnesses. By entering this plea of guilty, you are waiving or giving up these rights. Do you understand that?

5. If you were to go on trial, and in the event of a conviction, that is, if the jury finds you guilty, you would have the right to appeal. Again, in the event of an appeal, if you could not afford an attorney, one would be appointed for you, which would not cost anything. By entering a plea of guilty, you are waiving or giving up these rights. Do you understand that?

6. If you plead guilty, and this court accepts your plea, you do not have the right to assert any allegations of defects, such as: (a) an illegal arrest; (b) an illegal search and seizure; (c) an illegal confession; (d) an illegal line-up, and (e) the fact that the state might not be able to prove said charge or that a jury would find you guilty. Do you understand that by pleading guilty you are waiving or giving up these rights?

7. Do you understand that by pleading guilty, you are telling this court that you have in fact committed the crime to which you are pleading guilty?

BY DEFENDANT'S ATTORNEY:

I, as attorney for the defendant, was present during the recitation of the foregoing colloquy between the defendant and the trial judge at the time of the defendant's plea of guilty.

I, also, have informed the defendant of his or her rights, particularly the nature of the crime to which he or she is pleading guilty, the maximum sentence the court could impose under the law, and the fact that the defendant, by entering this plea of guilty, is waiving his or her right to trial by jury his or her right to confront his accusers, his or her right against self-incrimination, and lastly, that his or her only appeal is for review of jurisdictional defects; and I am entirely satisfied that the defendant knowingly, willingly, intelligently and voluntarily has entered this plea of guilty knowing the consequences.

*Joseph J. [Signature]*  
 ATTORNEY

Page 3

BY THE DEFENDANT:

I, as the defendant in this case, acknowledge that the foregoing has been read to me, that my attorney and the trial judge have explained the nature of the crime to which I am pleading guilty, all of my rights to me, and what rights I am waiving or giving up, as listed above, and that I have been given every opportunity by the trial judge to ask questions in open court about anything I do not understand and about all of the consequences regarding my plea of guilty. I am completely satisfied with the explanations of my attorney and the judge.

I FURTHER ACKNOWLEDGE THAT MY ACT OF PLEADING GUILTY IS A KNOWING INTELLIGENT FREE AND VOLUNTARY ACT ON MY PART. I know that no one can force me to plead guilty. I know that by pleading guilty I admit I committed the said crime. I know this plea of guilty is more than a confession. It is also a conviction. Nothing remains except for the Judge to give judgment and give me my punishment. I waive all delays for sentencing and acknowledge I am ready for sentencing.

Shirley Wallace  
DEFENDANT

BY THE TRIAL JUDGE:

I, as trial judge, have entered into the foregoing colloquy with the defendant. I am entirely satisfied that the defendant was aware of the nature of the crime to which he or she has plead guilty, that the defendant did in fact commit said crime, understands the consequences of said plea of guilty and has made a knowing, intelligent, free and voluntary act of pleading guilt to above mentioned crime. I, therefore, accept the defendant's plea of guilt

June 26, 1990  
DATE

Shirley Wallace  
JUDGE

ON MINUTES  
JUL 17 1990

## STATE OF LOUISIANA, PARISH OF JEFFERSON

## 24th Judicial District Court

State of Louisiana

VS.

No. 89-2360

AUBRY N. WALLACE

Division A

Date 6/26/90

C.R.-SANDY HANCOCK

DISTRICT ATTORNEY LAMBERT

JUDGE PORTEOUS

THE DEFENDANT, AUBRY N. WALLACE APPEARED BEFORE THE BAR OF THE COURT THIS DAY. HE WAS REPRESENTED BY JOSEPH TOSH, HIS ATTORNEY. THE DEFENDANT WITHDREW HIS FORMER PLEA OF NOT GUILTY AND TENDERED TO THE STATE A PLEA OF GUILTY TO R. S. 14:62 SIMPLE BURGLARY, WHICH PLEA WAS ACCEPTABLE TO THE STATE. THE COURT ADVISED THE DEFENDANT OF ALL OF HIS RIGHTS, INCLUDING HIS RIGHT TO A TRIAL BY JURY, HIS RIGHT TO CONFRONT HIS ACCUSERS AND HIS RIGHT AGAINST SELF-INCRIMINATION AND THE DEFENDANT ACKNOWLEDGED THAT HE UNDERSTOOD. THE DEFENDANT WAIVED THESE RIGHTS AND A WAIVER OF RIGHTS WAS EXECUTED AND FILED INTO THE RECORD. THE COURT ADVISED THE DEFENDANT OF THE ELEMENTS OF THE CRIME. THE DEFENDANT WAIVED ALL LEGAL DELAYS AND REQUESTED IMMEDIATE SENTENCING. THE COURT ADVISED THE DEFENDANT OF THE BASIS FOR SENTENCE IN COMPLIANCE WITH ARTICLE 894.1. THE COURT SENTENCED THE DEFENDANT TO IMPRISONMENT AT HARD LABOR FOR A TERM OF THREE(3) YEARS, GIVING THE DEFENDANT CREDIT FOR TIME SERVED. EXECUTION OF SAID SENTENCE IS SUSPENDED AND THE DEFENDANT IS PLACED ON TWO(2) YEARS ACTIVE PROBATION. SPECIAL CONDITION OF PROBATION IS THAT DEFENDANT PAY A \$10.00 PROBATION SUPERVISION FEE. THE DEFENDANT REPORTED HIS DATE OF BIRTH AS 6/28/59 AND HIS AGE AS 29 YEARS.

NOTE OF EVIDENCE:  
W-AUBRY N. WALLACE

*Barbara Dancy*  
DEPUTY CLERK

ON MINUTES  
JUL 17 1990

*AS*



# **TWENTY-FOURTH JUDICIAL DISTRICT COURT** **FOR THE PARISH OF JEFFERSON**

## **HARD LABOR SUSPENDED**

DIVISION A  
 NO. 89-2360

DOB: [REDACTED]  
 ITEM NO. E-6745-89

## **COMMITMENT**

WHEREAS AUBRY N. WALLACE

was by due form of law lately PLEAD before our 24th Judicial District Court  
 for the Parish of Jefferson of Violating Revised Statute 14:62  
 (SIMPLE BURGLARY)

and was thereupon sentenced to imprisonment at hard labor, for THREE(3) YEARS, GIVING THE DEFENDANT  
CREDIT FOR TIME SERVED.

and defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity  
 with L. S. A. - R. S. 15:824.

SENTENCE SUSPENDED AND DEFENDANT PLACED ON ACTIVE PROBATION FOR  
 A TERM OF TWO(2) YEARS SPECIAL CONDITION OF PROBATION IS THAT  
 DEFENDANT PAY a \$10.00 A MONTH PROBATION SUPERVISION FEE.

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid  
 sentence, and for so doing this shall be your sufficient warrant and authority.

WITNESS, G. THOMAS PORTEOUS, JR. JUDGE

presiding in the 24th Judicial District Court, Division A

Parish of Jefferson, at the Hall of Sittings of the same, in the City of Gretna.

this 26TH day of JUNE

in the year of our Lord, one thousand nine hundred and 99 MINUTES

NINETY

[Signature]  
 JUDGE  
 JUL 1 7 1990

DE 22 7/77

STATE OF LOUISIANA . COURT: 24th Judicial District  
 VS . PARISH: Jefferson  
 Aubry Wallace . DOCKET NO.: 89-2360

PETITION FOR CAUSE

Comes now Willard M. Tucker, Probation and Parole Agent  
 Louisiana Department of Corrections, presenting an official report on the  
 conduct and attitude of probationer Aubry Wallace  
 who was placed on probation by the Honorable Thomas Porteous  
 on the 26th day of June , 1990 , who fixed the period of probation at  
 two years , and imposed the terms and conditions of  
 probation previously adopted by the court,

AND RESPECTFULLY presenting petition for action of the Court for  
 cause as follows: Subject was sentenced on 2/26/91 under Jeff.#89-0001 to  
 5 years Hard Labor for Possession of PCP and Possession of Cocaine. He is  
 presently incarcerated with the Department of Corrections in Work Training  
 Facility North.

PRAYING that the court will order that the subject's probation under  
 Jeff.#89-2360 be terminated unsatisfactorily.

Respectfully,

*Willard M. Tucker*  
 Probation and Parole Agent

Date 12/4/91

ORDER OF THE COURT

CONSIDERING THE foregoing report of the Probation and Parole Agent,  
 IT IS ORDERED BY THE COURT that subject's probation is hereby terminated  
 unsatisfactorily.

This done on the 11 day of Dec 1991

ON MINUTES  
 DEC 13 1991

*[Signature]*  
 JUDGE

## 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360

DIVISION "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

Filed:

9/20/94

Deputy Clerk

MOTION TO AMEND SENTENCE

NOW INTO COURT, through undersigned counsel, comes AUBRY N. WALLACE, who respectfully requests that this Honorable Court amend his sentence for the following reasons, to-wit:

1.

The defendant was sentenced on June 26, 1990 to three years in which said sentence was suspended and two years active probation.

2.

The defendant desires to amend his sentence to give him benefit under Article 893.

WHEREFORE, the defendant prays that this Honorable Court amend his sentence.

RESPECTFULLY SUBMITTED,


ORDER

Considering the foregoing, IT IS ORDERED that the sentence on AUBRY WALLACE is hereby amended to include the following wording, "the defendant pled under Article 893".

GRETN, LOUISIANA this 22 day September, 1994.

PARISH OF JEFFERSON, LA.  
DEPUTY CLERK

FILED FOR RECORD  
SEP 20 AM 10 18

FILED

OCT 3 1994

Show cause  
on the 22nd day  
of September 1994.  
[Signature]

## 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360

DIVISION "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

Filed: \_\_\_\_\_

Deputy Clerk

MOTION TO AMEND SENTENCE

NOW INTO COURT, through undersigned counsel, comes AUBRY N. WALLACE, who respectfully requests that this Honorable Court amend his sentence for the following reasons, to-wit:

1.

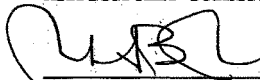
The defendant was sentenced on June 26, 1990 to three years in which said sentence was suspended and two years active probation.

2.

The defendant desires to amend his sentence to give him benefit under Article 893.

WHEREFORE, the defendant prays that this Honorable Court amend his sentence.

RESPECTFULLY SUBMITTED,



ROBERT B. REES  
1216 WORLD TRUST CENTER  
N.O. LA 70130

ORDER

Considering the foregoing, IT IS ORDERED that the sentence on AUBRY WALLACE is hereby amended to include the following wording, "the defendant pled under Article 893"

GRETNA, LOUISIANA this 19th day October, 1994.

PARISH OF JEFFERSON, LA.

JUDGE

BY SEP 20 AM 10 18

FILED FOR RECORD

FILED  
OCT 3 1994

## STATE OF LOUISIANA, PARISH OF JEFFERSON

## 24th Judicial District Court

State of Louisiana

VS.

No. 89-2360

AUBRY WALLACE

Division A

Date 9/22/94

CR: LISA BROUSSARD

DISTRICT ATTORNEY MIKE REYNOLDS

JUDGE PORTEOUS

THE DEFENDANT AUBRY WALLACE APPEARED BEFORE THE BAR OF THE COURT THIS DAY REPRESENTED BY ROBERT REES, ATTORNEY. THE MOTION TO AMEND THE SENTENCE WAS GRANTED BY THE COURT TO INCLUDE THE FOLLOWING WORDING, "THE DEFENDANT PLED UNDER ARTICLE 893", AND THE DEFENDANT WAS REMOVED FROM PROBATION.

FILED  
OCT 3 1994

*Dancy Luffin for Angelle Marie*  
DEPUTY CLERK

## 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 89-2360

DIVISION: "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

FILED: 10-14-94DEPUTY CLERK: *Darcy Buffin*ORDER

Considering the foregoing Motion to Set Aside Conviction;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the matter under docket number: 89-2360, 24TH JUDICIAL DISTRICT COURT, DIVISION "A" without entering a judgment of guilt under Article 893, all charges filed under the captioned case number be dismissed and be hereby set aside on this 14<sup>th</sup> day of October, 1994.

Gretna, Louisiana this 14<sup>th</sup> day of October, 1994.  
JUDGE**FILED**  
**OCT 19 1994**

# SUBPOENA

No. 892360

**STATE OF LOUISIANA**

VS.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

**24th Judicial District Court**

for the

**STATE OF LOUISIANA**

**PARISH OF JEFFERSON**

To M R MCDONALD  
SGT JFSD 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

FEB 21 1990

  
Deputy Clerk

C of C #79

seized a true copy of them within A.D. 1200.

WARRANT OF RETURN

At present, it is not possible to estimate the number of miles for the Southouse

Deputy Sheriff: J. H. Patterson

王 王 王

SECRET

# ACT-31100

for the business of \_\_\_\_\_ in the space entitled under  
person on the \_\_\_\_\_ of \_\_\_\_\_ in the year of Our Lord 19\_\_\_\_  
\_\_\_\_\_ You are hereby ordered to appear before the said District Master Court on and before \_\_\_\_\_

wherein named by leaving the same at

in the hands of,

b person apparently over the age 16 years, living and residing in the said domicile at the name and other facts connected with this service I learned by interrogating the said [redacted] and [redacted] [redacted] [redacted]

(U) b7C b7D

temporarily absent from

Service at a distance of about \_\_\_\_\_ miles from the County House, \_\_\_\_\_

Yellow & Clay

Returned.

## Appendix

C 6 C # 3 9



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**  
FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
2003 MAR 31  
LORE, J.A. & WHITE  
CLEON

**SUPERSEDING BILL OF INFORMATION FOR VIOLATIONS  
OF THE FEDERAL CONTROLLED SUBSTANCES ACT, DEPRIVATION  
OF HONEST SERVICES, AND CONSPIRACY TO COMMIT MAIL FRAUD**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 02-219
v.	*	SECTION: "C"(4)
RONALD D. BODENHEIMER	*	VIOLATION: 21 U.S.C. § 841(a)(1)
	*	18 U.S.C. § 846
	*	18 U.S.C. § 1341
	*	18 U.S.C. § 1346
	*	18 U.S.C. § 2
	*	18 U.S.C. § 371

**The United States Attorney charges that:**

**COUNT 1**

From a time unknown, but prior to October 2001, through June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER**, did knowingly and intentionally combine, conspire, confederate and agree with Curley J. Chewing and with other persons known and unknown to the Grand Jury, to distribute and attempt to distribute, and to possess and attempt to possess with the intent to distribute, a quantity of Oxycodone, a Schedule II narcotic drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Fee \_\_\_\_\_  
Process \_\_\_\_\_  
X Date 3/31/03  
Clerk \_\_\_\_\_  
Doc. No. 64

**HP EXHIBIT 88(d)**

**COUNT 2**

From in or about the Fall of 2001, and continuing through in or about June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER**, and others, knowingly and willfully devised and intended to devise a scheme and artifice to defraud the citizens of the State of Louisiana by depriving them of **RONALD D. BODENHEIMER's** honest and faithful services as a judge overseeing a domestic proceeding in the 24<sup>th</sup> Judicial District, State of Louisiana, performed free from deceit, bias, self-dealing, and concealment.

Specifically, on or about February 19, 2002, in the Eastern District of Louisiana, **RONALD D. BODENHEIMER** did knowingly and willfully cause to be placed in an authorized depository for mail matter, and delivered by the United States Postal Service according to the direction thereon, a Judgment relating to the preschool attendance of a minor child, among other things; in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

**COUNT 3**

From a time unknown, but prior to April 1999, and continuing through in or about June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER**, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury to knowingly and willfully devise and intend to devise a scheme and artifice to defraud the citizens of the State of Louisiana, by depriving them of **RONALD D. BODENHEIMER's** honest and faithful services as a judge handling bail bonds in criminal cases pending in the 24<sup>th</sup> Judicial District, State of Louisiana,

performed free from deceit, bias, self-dealing, and concealment, in violation of Title 18, United States Code, Sections 1341 and 1346.

**Overt Acts**

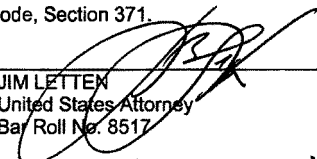
In furtherance of the conspiracy and to accomplish its purposes, **RONALD D. BODENHEIMER**, and others, committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. Throughout the period of the conspiracy, **BODENHEIMER** regularly set, reduced, and split bonds underwritten by a Jefferson Parish bail bonding company in criminal cases pending before him and other judges, irrespective of whether he was scheduled for "magistrate duty". A significant factor in **BODENHEIMER'S** decision making was to accommodate the interest of the bonding company. **BODENHEIMER** routinely set the bonds at a level requested by the bail bonding company in a manner which would tend to maximize the company's profits; that is, by securing the maximum amount of premium money available from the criminal defendant and his family.

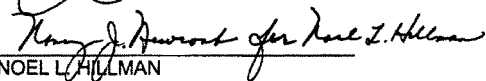
2. During the period of the conspiracy, the bail bonding company routinely used the mails and other common carriers in furtherance of the scheme, particularly with regard to the processing of bond premiums and in the billing of the criminal defendants and their families.

3. Throughout the period of the conspiracy, the bail bonding company routinely provided things of value to **BODENHEIMER** which were paid for among other ways through the use of credit cards; payment for the credit card bills were made through the mails;

all in violation of Title 18, United States Code, Section 371.



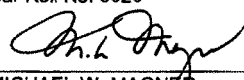
JIM LETTEN  
United States Attorney  
Bar Roll No. 8517



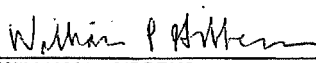
NOEL L. HILLMAN  
Chief, Public Integrity Section  
Criminal Division  
U.S. Department of Justice



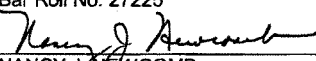
JAN MASELLI MANN  
Chief, Criminal Division  
Assistant United States Attorney  
Bar Roll No. 9020



MICHAEL W. MAGNER  
Assistant United States Attorney  
Bar Roll No. 1206



WILLIAM P. GIBBENS  
Assistant United States Attorney  
Bar Roll No. 27225



NANCY J. NEWCOMB  
Senior Trial Attorney  
Public Integrity Section  
Criminal Division  
U.S. Department of Justice

New Orleans, Louisiana  
March 31, 2003



## U.S. Department of Justice

 Eastern District of Louisiana  
 U. S. Attorney's Office

 FILED  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF LA  
 2003 MAR 31 PM 3:24  
 LORETTA C. WHYTE  
 CLERK

 Michael W. Wagner  
 Assistant United States Attorney

 Hale Boggs Federal Building  
 501 Magazine Street, Second Floor  
 New Orleans, LA 70130

 Telephone # (504) 680-3103  
 Fax # (504) 589-4393

March 28, 2003

 The Honorable Helen G. Berrigan  
 United States District Judge  
 Eastern District of Louisiana  
 500 Camp Street  
 New Orleans, Louisiana 70130

 Re: United States v. Ronald D. Bodenheimer  
Criminal Docket No. 02-219 "C"

Dear Judge Berrigan:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the government wishes to acknowledge the following agreement between the United States of America and Ronald D. Bodenheimer, the defendant in the above-captioned proceeding. Defendant's undersigned counsel has reviewed the terms of this Agreement; counsel for Bodenheimer has been advised by the defendant that the defendant fully understands the terms of this agreement.

**A. THE CHARGES**

The government has agreed that the defendant will be charged in a Bill of Information with one count of conspiracy to distribute oxycodone in violation of 21 U.S.C. § 846, one count of mail fraud involving the deprivation of the honest services of a public official in violation of Title 18 U.S.C. § § 1341 and 1346, and one count of conspiracy to commit mail fraud involving the deprivation of the honest services of a public official in violation of Title 18 U.S.C. § 371. The government has further agreed that it will allow the defendant to plead guilty to those charges if this agreement is accepted by the Court and that it will not bring any other criminal charges against the defendant in the Eastern District of Louisiana regarding activities which relate to the defendant's participation in the activities set forth in the Bill of Information, or which are disclosed to the government in the defendant's cooperation with the government in response to questions they pose.

Fee	
Process	90
Dittd	
CtkmDep	
Doc. No.	106

HP EXHIBIT 88(e)

The defendant agrees the government will charge him in a Bill of Information, and he waives his right to be charged in any other fashion.

The parties stipulate that a sentence of 42 months is appropriate for the offenses charged provided defendant meets his obligations under this agreement. The parties have made this determination after due consideration of the appropriate sentencing guidelines and all appropriate sentencing adjustments in consultation with the United States Probation Office. Therefore, the parties stipulate that defendant should be sentenced to 42 months imprisonment. The parties further stipulate pursuant to Federal Rule of Criminal Procedure 11(e)(1)(C), that in the event this plea agreement is accepted by the Court, this stipulation is binding.

In the event the Court does not accept this stipulation and states that a sentence in excess of 42 months is justified, pursuant to Federal Rule of Criminal Procedure 11(e)(4), defendant shall be afforded the opportunity to withdraw from the plea. In the event the Court does not accept this stipulation and states that for reasons other than as provided by Paragraph G of this Plea Agreement relating to substantial assistance a sentence of less than 42 months is justified, the Government shall be afforded the opportunity to withdraw from the plea.

#### **B. MAXIMUM PENALTIES**

The defendant further understands that the penalty defendant may receive should his plea of guilty be accepted for the drug conspiracy is a term of imprisonment of up to twenty years and/or a fine of \$2,000,000 or an alternative fine of twice the gross gain to the defendant or twice the gross loss to any victim. As for the mail fraud and conspiracy charges, the maximum penalty for each count is a term of imprisonment of up to five years and/or a fine of \$250,000 or an alternative fine twice the gross gain to the defendant or twice the gross loss to any victim.

It also is understood that the Court must order restitution to any victim in this case under the provisions of 18 U.S.C. § 3663, if the Court finds it appropriate to do so. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation.

#### **C. SPECIAL ASSESSMENT**

Further, the defendant understands that a mandatory special assessment fee of \$100 per count shall be imposed under the provisions of 18 U.S.C. § 3013. This special assessment must be paid on the date of sentencing.

**D. SUPERVISED RELEASE TERM**

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to five years pursuant to 18 U.S.C. § 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

**E. WAIVER OF APPEAL**

Except as otherwise provided in this paragraph, the defendant hereby expressly waives the right to appeal his sentence on any ground, including but not limited to any appeal right conferred by 18 U.S.C. § 4242 on the defendant, and the defendant further agrees not to contest his sentence in any post-conviction proceeding, including but not limited to a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the right to appeal the following: (a) any punishment imposed in excess of the statutory maximum, and (b) any punishment to the extent it constitutes an upward departure from the sentence set forth in Paragraph A.

**F. HYDE AMENDMENT**

The defendant agrees to waive any right to seek attorney's fees and/or litigation expenses under the "Hyde Amendment," 18 U.S.C. § 3006A and the defendant acknowledges that the government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

**G. DEFENDANT'S FULL AND TRUTHFUL COOPERATION**

This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews whenever and wherever reasonably requested by law enforcement authorities. The defendant understands he must be completely truthful. The defendant also agrees to appear before any grand jury or trial jury and to testify truthfully. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant understands if he is not truthful, or withdraws from, or materially breaches this Agreement, said Agreement will be null and void, and notwithstanding any other provision of this agreement, the defendant may be prosecuted for perjury or making false statement, as well as any other appropriate charges and any statements he has made can be used against him.

The defendant further agrees, subject to Court approval, to a delay of his sentencing date until the completion of his cooperation, including his testimony in any trial(s).

In consideration of the defendant's willingness to acknowledge his guilt and accept responsibility for his wrongful conduct in compliance with the aforementioned conditions, the Government agrees that it will do the following:

1. The Government will bring to the attention of all federal courts, prosecutors and Probation Officers of any cooperation rendered to law enforcement by the defendant. However, the defendant's cooperation does not automatically require the Government to request a departure from the sentencing guidelines for substantial assistance to the Government. That decision will be made by the Government, in its sole discretion, after it evaluates the cooperation. If the Government decides to file a motion that the Court may depart pursuant to USSG § 5K1.1 of the sentencing guidelines, the Government will file a motion at a time determined by the Government, and only after the Government evaluates the entire cooperation of the defendant. The defendant understands the motion could be filed prior to or at sentencing. After sentencing, any such motions would be governed by Rule 35 of the Federal Rules of Criminal Procedure.

2. The Government also agrees that any statements or testimony given by the defendant, as of and after the date of this letter, pursuant to questions asked by law enforcement agents or prosecutors as a result of this agreement, will not be used against him, including in connection with sentencing under USSG § 1B1.8. However, all parties understand that the United States may make derivative use of such statements or testimony and may pursue investigative leads therefrom, and will not be required at any time to prove an independent source at any Kastigar or other hearing held thereon. This agreement not to use statements or testimony does not apply to crimes of violence. Further, the defendant fully understands that should he commit perjury or give false statements to federal agents, such statements and testimony can be used, and he faces additional charges involving false statements and perjury.

#### **H. FORFEITURE**

The defendant agrees to forfeit and give to the United States prior to the date of sentencing any right, title and interest which the defendant may have in the any assets or interest in assets, including but not limited to cash assets, negotiable instruments, securities, property or other things of value, including any and all property which has been transferred or sold to or deposited with any third party, known or unknown by the defendant for a period of not less than 10 years prior to the date of the signing of this agreement that were obtained through defendant's illegal activities as well as any asset, interest, or proceeds defendant received or could receive or cause to be received by a third party in the future, directly or indirectly, in whole or in part, from defendant's illegal activities. The parties agree that such property will be enumerated in an attachment to this agreement.



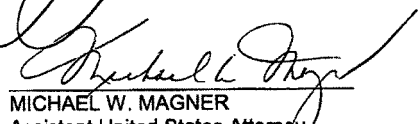
The defendant further agrees to submit to interview whenever and wherever requested by law enforcement authorities regarding all assets within his possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, agrees to voluntarily execute a complete and thorough Financial Statement, Form OBD-500.

**I. NO SIDE AGREEMENTS**


The defendant understands that the statements set forth above represent defendant's entire agreement with the government. There are not any other agreements, letters, or notations that will affect this agreement.

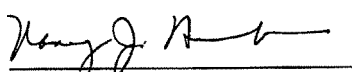
Very truly yours,


  
 JIM LEPTIEN  
 United States Attorney

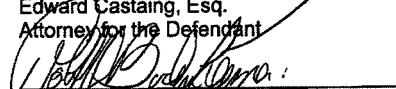
  
 MICHAEL W. MAGNER  
 Assistant United States Attorney

  
 WILLIAM P. GIBBENS  
 Assistant United States Attorney

  
 SALVADOR PERRICONE  
 Assistant United States Attorney

  
 NANCY J. NEWCOMB  
 Senior Trial Attorney  
 Public Integrity Section  
 United States Department of Justice

  
 Edward Castaing, Esq.  
 Attorney for the Defendant

  
 Ronald D. Bodenheimer  
 Defendant

March 28, 2003  
 DATE

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2003 MAR 31 PM 3:24  
LONETA G. WRYTE  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ORIGINAL

UNITED STATES OF AMERICA \* CRIMINAL DOCKET NO. 02-219  
v. \* SECTION: "C"(4)  
RONALD D. BODENHEIMER \*

FACTUAL BASIS

COUNT ONE

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER**, conspired with Curley J. Chewning to distribute and attempt to distribute, and possess and attempt to possess with the intent to distribute, a quantity of oxycodone in order to intimidate, harass, discredit, and silence a neighbor from making public complaints against **BODENHEIMER** and the Venetian Isles Marina ("VIM"), which **BODENHEIMER** controlled. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. In late Summer or early Fall of 2001, **BODENHEIMER** discussed with a Jefferson Parish police officer a plan to arrange for the false arrest for drug possession of a neighbor at VIM who was aggravating **BODENHEIMER**.
2. On October 2, 2001, **BODENHEIMER** told an employee of VIM that she

Imp. Task Force  
Dep. Exh. 45

HP Exhibit 0245

FILED  
MAR 31 2003  
CLERK  
Doc. No. 67

HP EXHIBIT 88(f)

should "bide her time" because a certain neighbor's "time was coming".

**BODENHEIMER** counseled the employee that in the meantime, "aggravate the little p.... as much as possible", referring to the neighbor.

3. On October 10, 2001, **BODENHEIMER** and a private investigator discussed the fact that the neighbor was making complaints to government agencies about oil spills at VIM. The private investigator and **BODENHEIMER** talked about the delay this would cause in their plan to retaliate against the neighbor. The private investigator stated that the incident "puts us back on the time, 'cause if we do something to him now, it's going to look like it's a, you know...." **BODENHEIMER** and the private investigator agreed they would defer their actions for at least a couple of weeks. The private investigator told **BODENHEIMER**, "I mean no, when we are ready, I'm ready...."

4. On January 30, 2002, **BODENHEIMER** and the private investigator had a conversation concerning the neighbor in which **BODENHEIMER** stated, "[I] still got to do something with that kid, from that Venetian Isles thing." After further discussion about the neighbor, the private investigator stated, "[I] say somebody ought to kick the f... out of him." **BODENHEIMER** responded, "Yeah, I want him hurt worse than that." Immediately thereafter, **BODENHEIMER** and the private investigator discussed plans to plant crack cocaine in the neighbor's vehicle and have the neighbor falsely arrested.

5. In early 2002, **BODENHEIMER** discussed with a New Orleans police officer a plan to plant illegal drugs of a type and in a quantity which would lead to a false felony arrest of an individual who was causing trouble to **BODENHEIMER** at VIM.

6. On February 4, 2002, **BODENHEIMER** called Chewning. **BODENHEIMER** told Chewning that he needed someone to "get close" to the neighbor. Chewning agreed to "see what he's up to."

7. On March 6, 2002, **BODENHEIMER** and Chewning met and discussed how the neighbor and others observed **BODENHEIMER**'s activities at VIM. **BODENHEIMER** stated "I gotta get this mother f..... out of my hair".

8. On March 11, 2002, **BODENHEIMER** and Chewning discussed in a telephone call getting the "product" that they needed to plant drugs on the neighbor and when it would occur. Chewning told **BODENHEIMER** that he would give him a day's notice before planting the drugs.

9. On March 17, 2002, **BODENHEIMER** and Chewning discussed in a telephone call a meeting in Slidell later that evening.

10. On April 2, 2002, **BODENHEIMER** had a telephone conversation with Chewning during which they discussed a scenario designed to provide Chewning access to the inside of the neighbor's vehicle. The scenario consisted of Chewning taking his vehicle to the neighbor's place of employment, leaving it there to have the transmission checked, and then asking the neighbor for a ride to another location, where **BODENHEIMER** would pick up Chewning.

11. On April 18, 2002, **BODENHEIMER** and Chewning had a telephone conversation during which they discussed Chewning meeting with the neighbor on April 19, 2002. Chewning told **BODENHEIMER** that he was meeting with the neighbor at 7:00 p.m. and "it is all going to be good with that, you know, because I'm going to be in the

truck." Chewning and **BODENHEIMER** discussed that "something" was "up" with the neighbor. Chewning told **BODENHEIMER** "let's see, let's see who sinks the deepest hook." **BODENHEIMER** responded, "It's like a knife fight while dancing."

12. On April 19, 2002, Chewning placed a plastic baggie that contained three Oxycodone pills, a Schedule II drug controlled substance, into the neighbor's vehicle.

13. On April 20, 2002, **BODENHEIMER** and Chewning met in the parking lot of a gas station in Slidell, Louisiana.

14. On April 21, 2002, **BODENHEIMER** told Chewning that he (**BODENHEIMER**) was at VIM and asked Chewning, "are you taking a ride or what?" Chewning asked if **BODENHEIMER** thought it was "cool" to come to VIM "at this particular point."

15. The Government has no evidence that **BODENHEIMER** in fact, called the police in an effort to effect the arrest of the neighbor.

#### COUNT TWO

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER**, a Louisiana district court judge, along with Philip M. Demma and Bryan M. White, devised and intended to devise a scheme and artifice to defraud and to deprive the citizens of the State of Louisiana of **BODENHEIMER's** honest and faithful services, performed free from deceit, bias, self-dealing, and concealment. **BODENHEIMER** did so by using his position as judge to enrich himself by making rulings favorable to the father in a domestic proceeding over which he presided in exchange for things of value, including assistance with quashing

unfavorable publicity, assistance in obtaining a lucrative seafood contract, and other things of value. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. On February 1, 2001, a seafood wholesaler appeared in **BODENHEIMER's** court for a criminal hearing. **BODENHEIMER** advised the parties that he knew the seafood wholesaler but failed to reveal fully his relationship with the seafood wholesaler.
2. On or about October 2, 2001, **BODENHEIMER** appointed Social Worker 1 to make recommendations on an issue concerning the preschool attendance of the minor child.
3. On October 2, 2001, **BODENHEIMER** called a close relative of the father and stated his intention to manipulate the proceedings in the father's favor. **BODENHEIMER** said that when the father was in **BODENHEIMER's** court earlier that day, **BODENHEIMER** "had to act like I was neutral . . . cuz if I would have acted any other way his wife was gonna file a motion to recuse." **BODENHEIMER** further asked the close relative of the father to "let him (the father) know that . . . I know what he did for me, I'm talking about with that T.V. thing." **BODENHEIMER** stated that "I'm not gonna forget what he did" and "he will get everything he wants." **BODENHEIMER** repeated that "I remember what he did. I don't forget my friends and he was a friend to me and I'll see that he gets what he wants." **BODENHEIMER** further told the close relative of the father that "if he (the father) wants to talk to me at all or let me know

anything, tell you and you can give me a call."

4. On October 9, 2001, **BODENHEIMER** and the seafood wholesaler discussed the possibility of selling shrimp to one of the father's businesses, and **BODENHEIMER** told the seafood wholesaler that he planned to meet with the father's attorney the following week to try to put something together.

5. In the Spring of 2001, **BODENHEIMER** requested the seafood wholesaler provide him with fuel for VIM. Subsequently, the seafood wholesaler provided **BODENHEIMER** with four shipments of fuel worth in excess of \$16,000. **BODENHEIMER** never paid for the fuel.

6. On November 7, 2001, **BODENHEIMER** and White had a conversation in which neither the mother involved in the domestic proceeding nor the mother's attorney participated. During this conversation, **BODENHEIMER** and White discussed the basis of the mother's recusal motion. **BODENHEIMER** instructed White to tell the father's attorney to file a discovery motion to seek the mother's full grounds for recusal.

7. On November 20, 2001, an individual called **BODENHEIMER** on behalf of the close relative of the father and relayed a request that **BODENHEIMER** attend a meeting the following evening at a restaurant with the close relative and "that guy he (the close relative) had gotten you to talk to once before." **BODENHEIMER** agreed to meet and, in fact, did meet with the father later that evening at another location.

8. On December 11, 2001, **BODENHEIMER** and White had a conversation in which neither the mother nor the mother's attorney participated. They decided that Social Worker 1 appeared to be taking a position favorable to the mother.



**BODENHEIMER** suggested that he and White could "get some mileage" by appointing Lawyer 1 as "Guardian Ad Litem" for the minor child.

9. On December 18, 2001, **BODENHEIMER** signed an Order appointing Lawyer 1 as "Guardian Ad Litem" for the minor child and caused the Order to be mailed.

10. On December 18, 2001, the father's attorney caused to be mailed a letter to the mother's attorney stating the father's position regarding Christmas visitation with the minor child.

11. On December 21, 2001, **BODENHEIMER** ruled that the father would have visitation rights with the minor child on Christmas Eve and Christmas morning.

12. On December 21, 2001, Demma called **BODENHEIMER** to discuss **BODENHEIMER's** Christmas visitation rulings for the minor child. **BODENHEIMER** asked Demma, "How'd I do?" in getting the father Christmas Eve and Christmas morning, and Demma responded: "My man! . . . That's exactly what he wanted . . . . Score, scoring big points I'ma call him at home now to ask him is if he's happy with that. I'll call you right back."

13. On December 21, 2001, while discussing **BODENHEIMER's** Christmas visitation rulings, **BODENHEIMER** instructed Demma to "Tell [the father] I gave him everything Bryan asked for."

14. On December 28, 2001, **BODENHEIMER** and the seafood wholesaler discussed how **BODENHEIMER's** shrimp distribution operation at VIM could handle a shrimp supply contract with the father's businesses.

15. On January 7, 2002, White called **BODENHEIMER** to schedule a hearing for the father to voice his complaints about the mother, and **BODENHEIMER** suggested that the father's attorney file a motion to hold the mother in contempt.

16. On January 7, 2002, the father's attorney filed a motion to hold the mother in contempt.

17. On January 8, 2002, **BODENHEIMER**, Demma, and White held a telephone conference in which neither the mother nor the mother's attorney participated. During this conference, they agreed that Demma should not attend the upcoming hearing in the proceedings. White said that the mother would "start screaming the fix is in" if she saw Demma in court.

18. On January 8, 2002, **BODENHEIMER** instructed Demma to get a copy of a seafood contract for a business owned by the father from White.

19. On January 16, 2002, Demma told **BODENHEIMER** what rulings the father wanted him to make at an upcoming hearing.

20. On January 24, 2002, **BODENHEIMER** expressed his disappointment to Demma at the way things had been working out with the social workers assigned to the proceedings, especially since **BODENHEIMER** had been "appointing the ones that I thought would be most favorable to him (the father) in the first place."

21. On January 29, 2002, after talking with the father about the previous day's hearing, Demma told **BODENHEIMER** that, "He is so pleased with you, pal. . . . He is so pleased with you it's unreal."

22. On January 29, 2002, **BODENHEIMER** signed a judgment granting the

mother's application to file a writ of review on **BODENHEIMER's** January 28, 2002 order relating to the preschool attendance issue but denying the mother's request to stay **BODENHEIMER's** ruling. **BODENHEIMER** explained to Demma that by denying the mother's motion for a stay, the school year would "be over before the appeal gets taken."

23. On February 2, 2002, **BODENHEIMER** and Demma discussed their efforts to obtain a copy of a seafood contract for one of the father's businesses from White, and **BODENHEIMER** stated "We, we gonna start bugging him again next week."

24. On February 11, 2002, the father's attorney caused to be mailed a proposed judgment relating to the preschool attendance of the minor child, among other things.

25. On February 19, 2002, **BODENHEIMER** signed and caused to be mailed a judgment relating to the preschool attendance of the minor child, among other things.

26. On February 26, 2002, White caused the shrimp prices to be faxed to Demma.

27. On March 7, 2002, **BODENHEIMER** and the seafood wholesaler agreed to meet at **BODENHEIMER's** residence to discuss the seafood prices.

28. On March 7, 2002, White and **BODENHEIMER** discussed scheduling the next hearing in the proceedings, during a conversation in which neither the mother nor the mother's attorney participated. During this conversation, White told **BODENHEIMER** that he had additional prices at his office and would "be happy to get 'em" to **BODENHEIMER**. White added that, "I promise you I'll get you some stuff very

soon with the rest of the fresh seafood that we buy."

29. On April 26, 2002, **BODENHEIMER** told the seafood wholesaler that he would be having lunch with "that boy" from a company associated with the father the next week and intended to ask him "where the f--- is that contract you promised me."

### COUNT THREE

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER**, a Louisiana district court judge, conspired with the owners and employees of a Jefferson Parish bail bonding company, and others known and unknown to devise and intend to devise a scheme and artifice to defraud and to deprive the citizens of the State of Louisiana of **BODENHEIMER's** honest and faithful services, performed free from deceit, bias, self-dealing, and concealment. **BODENHEIMER** did so by using his position as judge to enrich himself by setting, reducing, and splitting bonds in various criminal matters pending before him as well as other judges on terms most advantageous to the bail bonding company in exchange for things of value, including meals, trips to resorts, campaign contributions, home improvements, and other things of value. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. At various times during the period from August 2001 through April 2002, the Government conducted court authorized electronic surveillance of **BODENHEIMER's** home telephone, office telephone, and chambers, as well as the

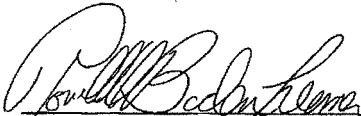

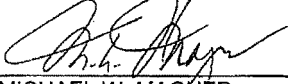
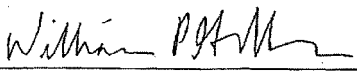
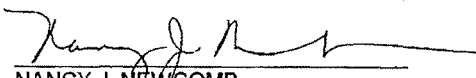
telephones of the bail bonding company. This surveillance confirmed that **BODENHEIMER** regularly set, reduced, and split bonds in criminal cases pending before him and other judges, irrespective of whether he was scheduled for "magistrate duty". The bonds were routinely set at a level requested by the bail bonding company which would tend to maximize their profits by securing the maximum amount of premium money available from the criminal defendant and his family. **BODENHEIMER** made himself available to handle bonding matters for the bail bonding company on a 24/7 basis. It was reasonably foreseeable to **BODENHEIMER** that the bail bonding company routinely used the mails and other common carriers in furtherance of the scheme, particularly with regard to the processing of bond premiums and in the billing of the criminal defendants and their families.

2. The bail bonding company routinely purchased lunches, drinks, and dinners for **BODENHEIMER** and, in 1999, paid for a trip to the Beau Rivage Casino for **BODENHEIMER** and his wife. These things of value were routinely paid for by the bail bonding company through the use of credit cards, and it was reasonably foreseeable to **BODENHEIMER** that the payments for the credit card bills were made through the mails.

3. The bail bonding company arranged for home improvements to be made at **BODENHEIMER**'s residence, in return for the advantageous handling of bond matters.

4. The bail bonding company made campaign contributions to **BODENHEIMER** in return for the advantageous handling of bond matters. Louisiana

law requires that judges make regular campaign finance reports. Correspondence relative to such reports were routinely handled through the mails.

  
RONALD D. BODENHEIMER  
DEFENDANT  
EDDIE J. CASTAING/ESQ.  
ATTORNEY FOR DEFENDANT  
MICHAEL W. MAGNIER  
Assistant United States Attorney  
Bar Roll No. 1206  
WILLIAM J. GIBBENS  
Assistant United States Attorney  
Bar Roll No. 27225  
NANCY J. NEWCOMB  
Senior Trial Attorney  
Public Integrity Section  
Criminal Division  
U.S. Department of Justice

New Orleans, Louisiana  
March 28, 2003

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2003 MAR 31 PM 3:24

PA S. WHYTE  
CLERK

UNITED STATES OF AMERICA

CRIMINAL DOCKET NO. 02-219

v.

SECTION: "C"(4)

RONALD D. BODENHEIMER

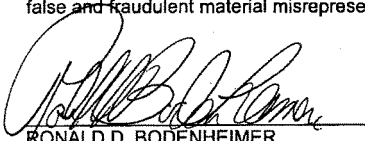
**Supplement to Factual Basis**

In addition, the Government would demonstrate the following:

The laws of the State of Louisiana provided that Louisiana District Judges shall be faithful to the law; shall be unswayed by partisan interests; shall perform judicial duties without bias or prejudice; shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice; shall not permit private or ex parte interviews, arguments or communications designed to influence their judicial action in any case, either civil or criminal; shall dispose of all judicial matters promptly, efficiently and fairly; shall respect and comply with the law; and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

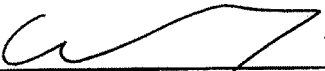
The Louisiana Constitution provided that Louisiana District Judges must support the Constitution and laws of the United States and the Constitution and laws of the State of Louisiana and must faithfully and impartially discharge and perform all the duties incumbent upon them as Louisiana District Judges, according to the best of their ability and understanding.

The Government would demonstrate that defendant Bodenheimer's actions in connection with the conduct set forth in Count 2 and 3 of the Factual Basis constitute false and fraudulent material misrepresentations and/or omissions.

  
RONALD D. BODENHEIMER  
DEFENDANT


504  
P.00433  
3 Dkt. 99  
CIRN 05 KC  
Doc. No. 68

HP Ex. 88(g)



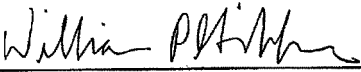
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EDDIE J. CASTAING, ESQ.  
ATTORNEY FOR DEFENDANT



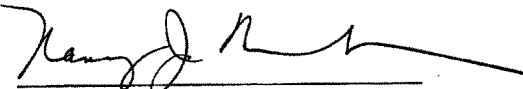
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MICHAEL W. MAGNER  
Assistant United States Attorney  
Bar Roll No. 1206



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WILLIAM P. GIBBENS  
Assistant United States Attorney  
Bar Roll No. 27225



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NANCY J. NEWCOMB  
Senior Trial Attorney  
Public Integrity Section  
Criminal Division  
U.S. Department of Justice

New Orleans, Louisiana  
March 28, 2003



UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA-

CRIMINAL ACTION

vs. RONALD D. BODENHEIMER

xxx-xx-2437

02-00219-001 "C"

2004 APR 30 P112:52  
WHYTE (SOC. SEC. NO.)

(CASE NO./SEC.)

## JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government,  
 the defendant appeared in person on this date

Month Day Year  
 (APRIL 28, 2004)

XX WITH COUNSEL

EDWARD J. CASTAING, JR.

(Name of Counsel)

Assistant U.S. Attorney: MICHAEL W. MAGNER  
 Court Reporter: RHONDA HARDIN

U.S. Probation Officer: DAVID L. ARENA  
 Courtroom Deputy: KIMBERLY A. COUNTY

PLEA: XX GUILTY, and the court being satisfied that there is a factual basis for the plea.  
 There being a finding of **GUILTY ON MARCH 31, 2003, AS TO COUNTS 1, 2 & 3 OF THE  
 SUPERSEDING BILL OF INFORMATION  
 PLEA ACCEPTED UNCONDITIONALLY AT SENTENCING**

Defendant has been convicted as charged of the offense(s) of 21 USC §§ 841(a)(1) and 846 - CONSPIRACY TO DISTRIBUTE AND ATTEMPT TO DISTRIBUTE, AND TO POSSESS AND ATTEMPT TO POSSESS WITH INTENT TO DISTRIBUTE OXYCODONE AND 18 USC §§ 1341, 1346 and 2 - MAIL FRAUD INVOLVING THE DEPRIVATION OF THE HONEST SERVICES OF A PUBLIC OFFICIAL AND 18 USC § 371 - CONSPIRACY TO COMMIT MAIL FRAUD INVOLVING THE DEPRIVATION OF THE HONEST SERVICES OF A PUBLIC OFFICIAL.

The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 46 months as to Counts 1, 2 and 3, to be served concurrently. It is further ordered that the defendant shall pay to the United States a fine of \$50,000.00 as to Count 1. Said fine includes the cost of confinement, pursuant to U.S.S.G. §5E1.2(f) and (l). The Court waives the interest requirement in this case. The payment of the fine shall begin while the defendant is incarcerated. Upon release, any unpaid balance shall be paid at a rate of \$500.00 per month. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years. This term consists of terms of three years on each of Counts 1, 2 and 3, all such terms to run concurrently. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released. While on supervised release, the defendant shall comply with the mandatory and standard conditions that have been adopted by this Court, and shall not possess a firearm. In addition, the following special conditions are imposed: 1. The defendant shall provide the probation officer with access to any requested financial information. 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule. 3. The defendant shall participate in an orientation and life skills program as directed by the probation officer. 4. The defendant shall participate in a program of testing and/or treatment for alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer. 5. The defendant shall pay any fine that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release. Government's oral motion to dismiss the underlying indictment and the superseding indictment - GRANTED. It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons no later than 12:00 noon on June 28, 2004.

IT IS FURTHER ORDERED that the defendant shall pay to the United States a special assessment of \$ 100.00 as to Counts 1, 2 & 3, for a total assessment of \$ 300.00.

IT IS FURTHER ORDERED that the defendant notify the United States Attorney for this District within 30 days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid. In addition to the special conditions of probation imposed above, IT IS HEREBY ORDERED that the general conditions of probation, as provided in the manual on the reverse side be imposed.

SIGNED BY:

HELEN G. BERRIGAN

UNITED STATES DISTRICT JUDGE

(Date) April 30, 2004

Fee

Process

X Dktd

CIRm

Dep

Doc. No.

DATE OF ENTRY

APR 30 2004

CERTIFIED AS A TRUE COPY

THIS DATE

Deputy Clerk

HP EXHIBIT 88(h)

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**PROFESSIONAL BAIL AGENTS  
OF THE  
UNITED STATES**

---

**1996**

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**MID-YEAR**

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**CONFERENCE**

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*July 11-13, 1996  
Royal Sonesta Hotel  
New Orleans, Louisiana*



Professional Bail Agents of the United States  
1155 Connecticut Avenue, NW, Suite 400  
Washington, DC 20036-4306  
Phone: 202/429-6564 • 1-800/883-PBUS  
Fax: 202/296-8128  
email address: skreimer@hustynet.com

# CONFERENCE SCHEDULE

## FRIDAY July 12, 1996

Time	Function	Location
8:00 am - 5:00 pm	Conference Registration	Foyer
8:00 am -	Exhibits	Evangeline A & Foyer
8:15 am	Continental Breakfast	Evangeline A & Foyer
	Sponsored by Lexington National Insurance Corporation in honor of Linda Braswell and W. Frank Braswell, Lexington Managing General Agents in Florida	

### WORKSHOPS AND CBA CLASSES OFFERED AT THIS TIME

WORKSHOP	INTRODUCTION TO COMPUTERS	Evangeline B
	Faculty: Stephen Patterson <i>Logicorp of Jacksonville, Inc.</i>	

Computers for first time users. This class is designed for the bail bond agent who is considering the installation or upgrading of existing equipment. The instructor will review what questions a bail bond agent needs to ask to ensure the appropriate selection of hardware and software.

CBA CLASS	CBA I - CERTIFIED BAIL AGENT I	South Ballroom
	Faculty: Shelley Palmer, CBA, VT	
	CBA I - History and Responsibility. Covers the history of bail, the Bail Bond Agent and this history of the Professional Bail Agents of the United States.	
10:00 am - 10:30 am	Coffee Break	Evangeline A & Foyer

# CONFERENCE SCHEDULE

## FRIDAY July 12, 1996 (continued)

10:30 - Noon	Invited Speakers Session I	Grand Ballroom
	Moderator: Linda Braswell, CBA	
	Invocation: J.B. Askins	
	Welcome: Gene Newman, CBA	
	President, PBUS	
	Guy Ruggiero, <i>President</i> Association of Louisiana Bail Underwriters	



**Honorable James H. "Jim" Brown**  
**Commissioner of Insurance, State of Louisiana**

Introduction of Invited Speaker: Melinda P. King



**Honorable G. Thomas Porteous, Jr.**  
**United States District Court,  
Eastern District of Louisiana**

Noon - 2:00 pm  
Lunch On Your Own

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**PROFESSIONAL BAIL AGENTS  
OF THE  
UNITED STATES**

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**1999**

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**MIDYEAR  
CONFERENCE**

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*July 17-21, 1999  
Beau Rivage  
Biloxi, Mississippi*

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Professional Bail Agents of the United States  
444 North Capitol Street NW, Suite 805  
Washington, DC 20001  
Phone: 800/863-PBUS (7267) • 202/783-4120  
Fax: 202/783-4125 • E-mail: [skrammes@pbus.com](mailto:skrammes@pbus.com)  
Internet: <http://www.pbus.com>

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## CONFERENCE SCHEDULE

TUESDAY, JULY 20, 1999

TIME	FUNCTION	LOCATION
8am-3pm	Registration	Ballroom Foyer
8am-3pm	Exhibits Open	Azalea C & D
8am-10:30pm	Continental Breakfast sponsored by Ranger Insurance Company	Azalea C & D
8:30am-10am	CBA II-The Professional Image Rick Adams, CBA This class discusses professionalism, demeanor, appearance, attitude, public relations, and the PLUS Code of Ethics.	Azalea A
10:15am-12pm	Invited Speakers Session  Judge G. Thomas Porteous, Jr.  C. Stevens Seale	Camellia B
12pm-1pm	A Luncheon That's Just For Fun <i>Admission Ticket required for this event.</i> Let's just meet for a good food and conversation! There will be no agenda - use the opportunity to renew old acquaintances and meet new friends.	Magnolia A
1pm-4pm	CBA IV -Reducing Losses Linda Braswell, MCBA Vernice Williams, CBA This class covers the location and recovery of defendants, use of recovery agents, legal procedures and strategies, and the recovery of loss expenses.	Azalea A

## CONFERENCE SCHEDULE

TUESDAY, JULY 20, 1999 (continued)

TIME	FUNCTION	LOCATION
1pm-4pm	CBA V-Legislation Creating your Future Gene Newman, CBA This class covers state and federal legislation involvement and the involvement in local, state and national ball organizations.	Azalea B
1:30pm-3pm	Master CBA Program Informational workshop on how to become an MCBA Les Sabring, MCBA	Magnolia E
1:30pm-4:30pm	For Women Only Fun, Networking, and Education - are the three elements of For Women Only. This session is open to all women who are attending the conference (including guests and exhibitors). We will have a demonstration on becoming Internet savvy, enjoy an informal luncheon, and then be regaled by jewels as Beau Rivage's Gemologist discusses how to purchase the best jewelry pieces. Don't miss this special session.	Magnolia F
3pm-4:30pm	Agency Management Series Skip Tracing on the Internet C.J. Bronstrup Learn how to use today's tools and solve yesterday's problems. Our speaker will show how inexpensive and quick ways to find that missing person.	Magnolia B

AO-10  
Rev. 1/97

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 1996**

 Report Required by the Ethics  
Reform Act of 1985, Pub. L. No.  
101-194, November 30, 1989  
(5 U.S.C. App. 4, 101-112)

1. Person Reporting (Last name, first, middle initial) <b>Porteous (Jr.), Gabriel T.</b>	2. Court or Organization <b>United States District Court Eastern District of Louisiana</b>	3. Date of Report <b>5/12/97</b>
4. Title (Article III judges indicate active or senior status; Magistrate judges indicate full- or part-time) <b>Active United States District Court Judge</b>	5. Report Type (check appropriate type) ____ Nomination, Date ____/____/____ ____ Initial <input checked="" type="checkbox"/> Annual ____ Final	6. Reporting Period <b>1/1/96-12/31/96</b>
7. Chambers or Office Address <b>United States District Court 500 Camp St., C206 New Orleans, Louisiana 70130</b>	8. On the basis of the information contained in this report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

**IMPORTANT NOTES:** The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.

**I. POSITIONS.** (Reporting individual only; see pp. 9-13 of Instructions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
<input checked="" type="checkbox"/> NONE (No reportable positions)	

**II. AGREEMENTS.** (Reporting individual only; see pp. 14-17 of Instructions.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
<input checked="" type="checkbox"/> NONE (No reportable agreements)	

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 18-25 of Instructions.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (yours, not spouse's)
<input type="checkbox"/> NONE (No reportable non-investment income)		

1	1996	United States District Court	\$
2	1996	Vascular Laboratory, Inc. (S)	\$
3			\$
4			\$
5			\$

SC00223

HP Exhibit 102(a)

 RECEIVED  
MAY 15 11 53 AM '97  
FINANCIAL  
DISCLOSURE OFFICE

## FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Porteous (Jr.), Gabriel T.

Date of Report

5/12/97

## IV. REIMBURSEMENTS and GIFTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp. 26-29 of Instructions.)

SOURCEDESCRIPTION☒ X

NONE (No such reportable reimbursements or gifts)

1		
2		
3		
4		
5		
6		
7		

## V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp. 30-33 of Instructions.)

SOURCEDESCRIPTIONVALUE☒ X

NONE (No such reportable gifts)

1		\$
2		\$
3		\$
4		\$

## VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 34-36 of Instructions.)

CREDITORDESCRIPTIONVALUE CODE\*☒ X

NONE (No reportable liabilities)

1		
2		
3		
4		
5		
6		

\*Value Codes: J-\$15,000 or less K-\$15,001-\$50,000 L-\$50,001-\$100,000 M-\$100,001-\$250,000 N-\$250,001-\$500,000  
 O-\$500,001-\$1,000,000 P-\$1,000,001-\$5,000,000 Q-\$5,000,001-\$25,000,000 R-\$25,000,001-\$50,000,000  
 S-\$50,000,001-\$500,000,000 T-\$500,000,001 or more

SC00224

## FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

Porteous (Jr.), Gabriel T.

Date of Report

5/12/97

## VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 37-54 of Instructions.)

A. Description of Assets (including trust assets)  Indicate where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(C)" for ownership by dependent child.  Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt.1 Code (A-H)	Type (e.g., div., rent or int.)	Value2 Code (J-F)	Value Method3 Code (G-W)	Type (e.g., buy, sell, merger, redemp- tion)	(2) Date Month- Day	(3) Value2 Code (J-F)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
Fidelity Investments									
1 Fidelity Management Trust-IRA	E	Distrib	L						
Noble Drilling Corp.		None	J		Buy	11/96	J		
2 Common Stock									
Überweis FDS									
3 Emerging Growth Mutual Fund	A	Div.	J		Buy	10/96	J		
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
1 Inc./Gain Cds: (Col. B1,D4)	A=\$1,000 or less F=\$50,001-\$100,000		B=\$1,001-\$2,500 G=\$100,001-\$1,000,000	C=\$2,501-\$5,000		D=\$5,001-\$15,000 H=\$15,000,001-\$5,000,000	E=\$15,001-\$50,000 I=\$50,000,001 or more		
2 Val Cds: (Col. C1,D3)	J=\$15,000 or less O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000		K=\$15,001-\$50,000 Q=\$50,001-\$100,000 R=\$100,001-\$5,000,000	L=\$50,001-\$100,000 M=\$100,001-\$5,000,000 N=\$5,000,001 or more					
3 Val Mth Cds: (Col. C2)	Q-Appraisal D-Book Value		R-Cost (real estate only) V-Other			S-Assessment W-Estimated	T-Cash/Market		

SC00225



## FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting

Porteous (Jr.), Gabriel T.

Date of Report

5/12/97

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

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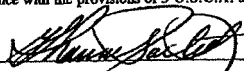
## IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C.A. app. 4, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature



Date

5/12/97

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App. 4, § 104.)

RECEIVED

U.S. DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

DATE: 5/12/97

FILED: 5/12/97

BY: [Signature]

SC00226

**Major Changes to Financial Disclosure  
Instructions for 1996**

*There are few substantive changes from last year's filing requirement. The Instructions concerning the reporting of individual assets contained in brokerage trusts, estates, and IRAs have been further clarified, especially when a filer lists a position as executor, trustee, or similar position in Part I of the report.*

*The Committee continues to find it difficult to close reports containing financial statements as attachments in lieu of completing Part VII, Investments and Trusts, of the Financial Disclosure Report (AO Form 10). Such reports often fail to provide the required information and lack a consistent and uniform format necessary for Committee review. Moreover, they often provide confidential information that is not required, such as account numbers, Social Security numbers, and home addresses. Page 37, paragraph 1, of the Instructions clearly states that the use of financial statements is not acceptable for compliance with the reporting requirements unless such statements succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. Accordingly, each filer should ensure that the appropriate entries concerning investments and trusts are entered in Part VII of their Financial Disclosure Report (AO Form 10).*

*Specific changes and their page numbers are listed below:*

1. *The Commentary to the Instructions, page 39, is amended to add the following explanation:*

*It should be understood that a reporting exemption for failure to meet a required threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.*

2. *The Instructions, page 40, require that the reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position, requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.*
3. *The Instructions, pages 34, 43, and 45, contain new income and value codes for income, liability, and asset value over a million dollars.*
4. *The Instructions, page 52, concerning the reporting of contingent interests in trusts is clarified as follows:*

*A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income of principal, and the future is uncertain either by survivorship or otherwise.*

## SECURITY ISSUES

Every filer should be aware that the Ethics Reform Act of 1989 makes your Financial Disclosure Report a **PUBLIC DOCUMENT**. This means that a person seeking to harm or harass you and your family can get a copy of your Financial Disclosure Report. There have been instances of such misuse of information provided by filers.

The Committee makes the following recommendations so that you can satisfy the requirements of the Ethics Reform Act while accommodating appropriate security concerns:

- (1) When filing your report, enter your CHAMBERS OR OFFICE ADDRESS in block 7. Do NOT use your home address for any purpose in connection with your Financial Disclosure Report.
- (2) In Part VII, do NOT provide more financial detail than is required by the Instructions. For example, for bank accounts, provide only the name of the institution and the city and state in which it is located. For certificates of deposit, provide only the name of the institution that issues the certificate. For rental properties, provide only the city (or county) and state in which the property is located. If you have more than one rental property in a particular location, you may identify the properties as "Rental Property #1, Cincinnati, Ohio," "Rental Property #2, Cincinnati, Ohio," and so on.
- (3) It is not necessary to report your personal residence or residences in Part VII (unless a portion of your residence is rented to a third party). Similarly, do not report any mortgage, equity loan, or line of credit secured by a personal residence, vehicle, boat, or motor home in Part VI.
- (4) In addition, some filers wish to provide their federal income tax return. Paradoxically, this method provides too much information, and at the same time not enough information. The tax return shows interest and dividends in Schedule B and sales of assets in Schedule D in specific detail, but it does not provide the protection of the income and value codes and does not include lists of your current holdings. Therefore, a tax return does not meet the requirements of the Ethics Reform Act.

If your Financial Disclosure Report is requested, you will be notified by mail when it is released. If you have any concerns or questions about the release of your report, please call the Financial Disclosure Office at (202) 273-4626 or discuss the matter with your Marshal.

**FINANCIAL DISCLOSURE INSTRUCTIONS FOR  
JUDICIAL OFFICERS AND EMPLOYEES**

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## INTRODUCTION

Three types of Financial Disclosure Reports--initial, annual, and final--are required by the Ethics Reform Act of 1989, published in Title 5 of the United States Code Annotated, Appendix 4, Sections 101-112.

These Instructions govern the preparation and filing of AO Form 10, which is to be used by judicial officers and employees for all Reports due after January 1, 1997. The body of the Instructions covers reporting requirements for annual Reports, which in some cases also apply to initial and final Reports. Where requirements for initial and final Reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these Instructions.

The Act requires that the Committee on Financial Disclosure review each Report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the AO Form 10 or these Instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, Washington, D.C. 20544.

## WHO MUST FILE, WHEN AND WHERE

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual Report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the Reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court of Appeals for the Armed Forces, who

- (a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or
- (b) who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

#### Section 109(8).

Persons whose obligation to file Reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year.<sup>1</sup> This will avoid an inquiry from the Committee concerning failure to file. When they file their next Reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final Reports, and when they must be filed, see Appendices I and II, respectively.

#### Commentary

*The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.*

---

<sup>1</sup> For purposes of financial disclosure reporting, a senior judge, a bankruptcy judge or magistrate judge who is a reemployed annuitant, is deemed to work less than sixty-one (61) days if the judge certifies that the relevant Circuit Judicial Council did not authorize the employment by the judge of at least one law clerk or secretary for the reporting period or that he or she did not perform the duties of the office for more than sixty (60) days. A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of the office for less than sixty-one (61) days each year and accordingly is not required to notify the Committee of the exempt status.

*(This will be eliminated as a footnote - next year - will be placed in the above Commentary).* <sup>2</sup>

*In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a Report does not include the annuity. Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the money earned meets the statutory minimum. Thus, the "rate of basic pay," rather than total pay, should be used to determine the need to file a Report.*

#### **Extensions of Time to File**

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final Reports. Requests for extension should be submitted in writing to the Committee before the due date and should explain why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

#### **Commentary**

*The authority to grant an extension has been delegated to the Committee Counsel by the Committee.*

#### **Filing Fee**

The statute requires a person to file a timely Report. One who files a Report more than thirty (30) days after the date the Report was due may be assessed a filing fee of \$200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. See p. 3 of the Instructions, Extensions of Time to File. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the Report was not filed on time. Section 104(d)(2).

#### **Commentary**

*When a Report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of \$200. The fee is deposited in the United States Treasury. If a filer requests a*



*waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers involving failure of the postal system or physical incapacity of the filer to the Subcommittee on Compliance. Requests for waiver of the fee for any other "extraordinary circumstance" require a decision by the Committee as a whole. Please note, that Reports are deemed to have been filed five (5) days prior to physical receipt for the purpose of determining whether the Report has been timely filed.*

### **Where to File**

Effective January 1, 1991, the original and three copies of the Report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure  
Administrative Office of the  
United States Courts  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Section 103(h)(1)(B).

The additional copies of the Report may be made by photocopying the original, rather than by retyping or using carbons.

### **Commentary**

*Reports are not considered to have been received unless they are physically received in the Financial Disclosure Office and contain an original signature. Reports will be date stamped as soon as they are received by the Financial Disclosure Office. Reports sent to the Financial Disclosure Office by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.*

### **Amendments**

A Report may be amended by filing an amended AO Form 10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the Report(s) and Part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the Report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

Commentary

*Self-initiated amendments will be certified in the same manner as an original Report. Each reviewer will complete block 8 on the AO Form 10 for each amendment as amended.*

Waivers

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

- (1) the person is not a full-time employee of the Government;
- (2) the person is able to provide services specially needed by the Government;
- (3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and
- (4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

**GENERAL INSTRUCTIONS**

The Report should be legible. Its format has been designed to be completed on most typewriters. The name of the person and date of the Report should appear on each page. Financial Disclosure Report software is available upon request from the Office of the Committee.

"None" Box

Parts I through VII of the Report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A", but instead mark the "None" box as an affirmative declaration of the fact.

### **Disclosure Concerning Family Members**

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children only when a beneficial interest exists is found on pages 51 and 52. The Act does not require disclosure of the financial interests of other family members, nor is it required with respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who--

- (A) is unmarried and under age 21 and is living in the household of the reporting person; or
  - (B) is a dependent of the reporting person within the meaning of section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)
- Section 109(2).

When reporting information about a spouse or dependent children, add the parenthetical "(S)" or "(DC)" to signify the person(s) to whom it relates. The parenthetical "(J)" should be used to signify an item jointly held or owned by you and your spouse.

### **Extra Pages: Attachments**

If more space is needed for any Part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of Report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the Part being continued is indicated and that all the required information is given.

### **Alternative Format For Reporting**

The computer program available from the Administrative Office provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any Part of the Report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current Report only or for future Reports, as well. All information submitted must be in a format easily reconciled with prior Reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the AO Form 10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

### Reconciliation with Prior Reports

Each Report should be complete in itself. No information may be adopted by reference to prior Reports. If letters approving a specific transaction, position or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular conduct or actions, a copy of the letter of approval should be attached to each Report to avoid a letter of inquiry.

Compare the information on your current Report with that in the prior Report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each Part of the Report in the same order as shown in the prior Report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

### Personal Information

#### FINANCIAL DISCLOSURE REPORT For Calendar Year 1996

1. Person Reporting (Last Name, first, middle initial)  SMITH, JOHN B.	2. Court or Organization  U.S. DISTRICT COURT, IDAHO	3. Date of Report  APRIL 16, 1997
4. Title (Article III Judges indicate active or senior status; Magistrate Judges indicate full or part-time)  U.S. DISTRICT JUDGE - SENIOR STATUS	5. Report Type (check approp type) ____ Nomination, Date _____ ____ Initial <input checked="" type="checkbox"/> Annual ____ Final	6. Reporting Period  JAN. 1, 1996 - DEC. 31, 1996
7. Chambers or Office Address  U.S. COURTHOUSE 44 WEST 31ST STREET BOISE, IDAHO 43215	8. On the basis of the information contained in this Report, and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer Signature _____ Date _____	

*Notes to filer:*

- \_\_\_\_\_ Are blocks 1 through 7 filled in?
- \_\_\_\_\_ Does block 4 show your status?
- \_\_\_\_\_ Does block 5 indicate the type of report?
- \_\_\_\_\_ Does block 6 cover the correct reporting period?

Commentary

*Blocks 1 through 8 of the heading to the report should be filled in as indicated:*

*Block 6. Reporting Period. The following are acceptable entries for Annual Reports: 1996, CY96, January 1, 1996-December 31, 1996.*

*\*Note - not possible when using software*

*Block 8. Certification. Reviewing official will sign and date this block when the report is complete. The front page of the AO-10 with the reviewing judge's original signature will be returned to the Financial Disclosure Office for permanent filing.*

*Certification by the reviewing judge or committee counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.*

## INSTRUCTIONS FOR COMPLETING EACH PART

### I. Positions

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this Part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.** Section 102(a)(6)(A).

In completing this Part, for annual Reports, the reporting period consists of the calendar year preceding the date of the Report, and the time to the date of the Report. Section 102(a)(6)(A). For initial and final Reports, refer to Appendices I and II, respectively, of these Instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information--e.g., an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council--that bears on the question whether a position presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

**I. POSITIONS.** (Reporting individual only; See pp. 9-13 Instructions.)POSITIONNAME OF ORGANIZATION/ENTITY☐**NONE** (No reportable positions)

<u>Director</u>	<u>Boise Boys Club</u>
<u>Trustee</u>	<u>John Smith III Trust</u>
<u>                    </u>	<u>                    </u>

*Notes to filer:*       *Do you have any reportable positions ? If not, is the NONE box checked?*       *Did you provide the full name of the position and the organization?*       *Does the position appear to represent a conflict of interest?*       *Does the position require a listing of assets in Part VII?**Commentary*

*In completing this Part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports the reporting period consists of the calendar year of the Report.*

*The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:*

*Judges*

*A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the*

*judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)*

*The duties of a co-trustee, even if nominal, are fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Even service as a fiduciary for other than a member of the family, covered by the Canon's section on "Effective Date of Compliance," and amended, for federal judges, by action of the Judicial Conference at its April 1973 meeting, seems to contemplate a relationship with an individual. In any event, such a relationship should be terminated unless a substantial interest of the estate or person would thereby be jeopardized. (Advisory Opinion No. 33.)*

*A judge who, before ascending the bench, served as an executor of the estate of a nonfamily member, or as trustee of a nonfamily trust may, with the approval of the judicial council of the circuit, continue in that capacity if resignation would cause undue hardship to the estate and its beneficiaries, but may not receive compensation for such service. (Compendium § 5.1-3(a) (1995).)*

*Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the Report. The teaching duties should not in any way interfere with the performance of judicial duties.*

*If a judge fails to obtain prior approval of teaching, the approving chief judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7 (1995).)*

*In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.*

*Note: In the case of partnerships, the Report should clearly reflect the purpose and the assets of the business, including the percentage owned by the filer. If the partnership owns or trades in securities, individual stocks and transactions should be reported in Part VII.*

*It is permissible for a judge to be an uncompensated officer or director of a business wholly owned by members of the judge's family. (Compendium § 5.2-3(c)(1995).)*



*Under Canon 5C(1) a judge may manage investments, etc., but the judge should not personally manage or operate any business, including a farm or ranch. This would not preclude the judge's participation in decisions with respect to the purchase, sale and use of land, the purchase of equipment and supplies, or the sale of farm produce or livestock from a farm or ranch which the judge owns but is operated by a farm manager or hired hand. (Advisory Opinion No. 30.)*

*A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan politics and (b) the judge does not take positions on issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)*

*A judge may serve on the board of trustees of a university foundation (no fund-raising involved). (Compendium § 5.3-3(b)(1995).)*

*Senior judges designated in 5 U.S.C. app. 4, § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.*

#### Part-time Magistrate Judges

*Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)*

#### Judicial Employees

*a. No covered senior employee, as defined in Appendix III, shall:*

- (1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;*
- (2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;*

- (3) *practice a profession which involves a fiduciary relationship for compensation;*
- (4) *serve for compensation as an officer or member of the board of any association, corporation, or other entity; or*
- (5) *receive compensation for teaching, without the prior notification and approval as herein provided.*

*Note: Senior employees of the Court of International Trade or the Claims Court must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.*

*b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)*

*c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)*

**II. Agreements**

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of any agreement with respect to:

- (a) future employment;
- (b) a leave of absence during Government service;
- (c) continuation of payments by a former employer other than the United States; and
- (d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all Reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

**II. AGREEMENTS.**

(Reporting individual only; See pp. 14-17 of Instructions)

DATE

PARTIES AND TERMS

☐

**NONE**

(No reportable agreements)

1995

Johnson & Johnson Employee Retirement Plan with

former Law Firm (no control)

Notes to filer:

- \_\_\_\_\_ Do you have any reportable agreements? If not, is the NONE box checked?
- \_\_\_\_\_ Did you list the date, parties, and terms of the agreement?
- \_\_\_\_\_ Is the agreement permissible?

Commentary

Continuation of payments by a former employer other than the United States

*It is permissible for judges to receive appropriate payment for their interests in a law firm and compensation for legal services they rendered before becoming judges. (Compendium § 2.7(a)(1995).)*

*A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)*

*The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)*

*Such payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after his departure, as distinguished from his sharing in amount representing the fair value of his interest in the firm, including the fair value of his interest in fees to be collected in the future for work done before he left the firm, and (2) the judge does not participate in any case in which his former firm or any partner or associate thereof is active as counsel until the full amount which he may be entitled to receive under the agreement has been paid to him. (Id.)*

*In addition, it is permissible for the departing judge to share in contingent fees received at the end of litigation, provided a fixed percentage or fixed ceiling is agreed upon, and reasonably reflects the value of services previously rendered by the departing judge. While it is permissible for a judge to share in future contingent fees, the judge should first attempt to reach agreement with his former partners on a fixed sum. (Compendium § 2.7(b) and (b-1)(1995).)*

Continuing participation in an employee welfare or benefit plan maintained by a former employer

*A judge should recuse in all cases involving members of the former law firm where the judge has left a retirement account in the former law firm's profit sharing trust. If there are frequent recusals, the judge should withdraw the account if feasible. (Compendium § 5.2-4(a) and (a-1)(1995).)*

*When, long after the judge's departure, additional assets are discovered which should have been transferred to the judge at the time of his departure (e.g. delayed refund under a health insurance plan), there is no ethical impediment to the judge's receipt of the appropriate distribution. (Compendium § 2-7(e)(1995).)*

*A judge who is a participant in a law firm's KEOGH plan has a financial interest in all of the corporations whose stock is owned by the plan, and must keep informed of the plan's investments, unless the plan is a common fund. (Compendium § 3.1-1(i)(1995).)*

*A law firm's KEOGH plan or 401 (k) plan which is managed by the firm or a small number of participants, and for which the judge has ready access to investment information does not qualify for the "common fund" exception. However, a law firm's retirement qualifies for the "common fund" exception where 1) the interest is indirect (due to the number of participants and the size and diversity of investments, 2) directed investment by participants is not available, and 3) the participants do not know about a fund's portfolio. (Compendium § 3.1-3(c).)*

Other Employment

*Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not consistent with the expeditious, proper, and impartial performance of their duties as judicial officers. ( 28 U.S.C. § 632.)*

*A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.*

*A judge should require law clerks to keep the judge reasonably informed of their future employment plans as required by the Code of Conduct for Law Clerks. A law clerk should have no involvement whatsoever in pending matters handled by a prospective employer when an offer of employment has been made to the law clerk and has been, or may be, accepted by the law clerk. (Advisory Opinions Nos. 74 and 81.)*

### **III. Non-investment Income**

Information pertaining to the reporting person and the spouse, as noted, is required in this Part.

#### **A. General Non-investment Income**

In this Part report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties; annuities; income from life insurance and endowment contracts; and fixed benefits from vested pension plans. Amounts reported should be net income, except for income derived from a business, can be listed as net or gross, and indicated as such. Section 109(7). Dividends on life insurance policies not held in whole or in part as an investment or for the production of income need not be reported.

Report the source, type, amount or value, of income from any source aggregating \$200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

For spouses, report the source of items of earned income from any person which exceeds \$1,000 and the source and amount of any honoraria which exceed \$200. If the spouse is self-employed in business or a profession, the nature of such business or profession should be reported. Section 102(e)(1)(A).

To indicate that income was earned by your spouse (and hence that the amount need not be shown), add to the identification the parenthetical "(S)".

#### **You are not required to disclose in Part III the following:**

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate \$200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income", or any information about that "earned income" that from a single source did not aggregate more than \$1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).
- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to

any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).

- any political campaign funds, including campaign receipts. Section 102(g).
- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).
- benefits received from Social Security. Section 102(i)(2).
- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

**III. NON-INVESTMENT INCOME.** (Reporting Individual and spouse; see pp. 18-25 of Instructions)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (Yours, not spouse's)
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☐

**NONE** (No reportable non-investment income)

1	<u>1996</u>	<u>Evans County High School (S)</u>	\$ <u>          </u>
2	<u>July 1996</u>	<u>Idaho Law School, Seminar (3 wks)</u>	\$ <u>3,500</u>
3	<u>          </u>	<u>          </u>	\$ <u>          </u>

*Notes to filer:*

       Do you have any reportable non-investment income over \$200.00?

       Does your spouse have any reportable non-investment income over \$1000.00?

       If no reportable income, is the NONE box checked?

       Is the date, source, type, and amount for your reportable income reported? If spouse's income, is the parenthetical "(S)" placed in the column under Source and Type?

       Is the income subject to the 15% limitation (\$20,040) for 1996?



\_\_\_\_\_ Is the income an honorarium or reported as such?

Commentary

*Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.*

*No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Sources of royalty payments include publications and oil, gas, and mineral interests. It should be noted that an interest in the real property from which these oil, gas, or mineral interests are derived should be disclosed in Part VII like any other investment property. Annuities and any other types of retirement income should be reported if they represent defined benefits from a vested pension plan. Retirement income from IRAs or other investment funds that varies due to the performance of the individual assets should be reported in Part VII since it represents income from an investment asset.*

*Ordinarily, income from life insurance policies need not be reported because most insurance policies are not held as investments or for the production of income. Policy dividends that reduce premiums or provide additional or paid-up insurance are not treated as income. Dividends or other income from life insurance policies, received in excess of \$200, which are reportable for income tax purposes, should be disclosed in this part. Several types of insurance policies that probably require reporting are "universal," "variable life," or "universal variable life."*

*Special attention will be given to the review of nomination and initial Reports. The filer must report compensation, other than from the United States Government, in excess of \$5,000 in any of the two calendar years prior to the calendar year during which a first Report is filed.*

**B. Outside Employment and Honoraria**

**Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.**

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section

371(b) of title 28, United States Code, as certified in accordance with such subsection; and, justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code, who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. 4 § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. 4, § 501(a)(2).
- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. 4, § 502.
- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. 4, § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

#### Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. 4, § 501(b).

- No Judicial officer or employee of the judicial branch (except for part-time magistrate judges), may accept honoraria, but a payment may only be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed \$2,000, and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. 4, § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

### C. General Provisions

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" box rather than leaving Part III blank.

#### Commentary

*Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.*

*Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (currently \$133,600) in earned income from outside employment. The limitation for 1996 is \$20,040. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.*

*In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.*

*Frequently, difficulty arises for the reviewing official and staff auditor concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar*

year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

- (1) teaching,
- (2) serving as trustee of a family trust or executor of a family estate, and
- (3) writing.

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

- (1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
- (2) investment funds,
- (3) funds received from a family owned business,
- (4) publication royalties, fees, and their functional equivalent, and
- (5) compensation received by a senior judge for teaching.

Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (1995), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:

#### Outside Earned Income Limitation

- (1) Where service as a family fiduciary involves work performed over several years but fee is paid in a single year, it is consistent with the statute and regulations for the judge, in applying the 15% cap, to allocate the amount of the fee over the several years. (Compendium § 33.1(a) (1995).)
- (2) Flat fee of \$250 received by judge from a publisher for writing a chapter in a publisher's treatise is not excludable from the definition of outside earned income. The payment is a fixed and unconditional cash payment for a manuscript that is wholly unrelated to the sales or distribution of the publication. Thus, the fee is subject to the 15% cap. (Compendium § 33.2-5(a) (1995).)
- (3) Where judge serves as editor-in-chief of a law journal and receives a royalty of 15% of the net cash receipts from the sale of the publication, the amount is considered a royalty and thus not subject to the 15% cap. (Compendium § 33.2-5(b) (1995).)
- (4) Outside earned income is attributed solely to the actual earner regardless of community property laws. (Compendium § 33.3 (1995).)

Prohibition on Receipt Of Honoraria

- (1) *It is a violation of the statute and regulations for a law clerk to write an article for compensation during clerkship even though publication of the article and receipt of the honorarium occur after the clerkship ends. (Compendium § 34(a) (1995).)*
- (2) *Fee for performing wedding is not an honorarium. However, a judge is barred from accepting additional compensation for performing judicial activities. (Compendium § 34.1(a) (1995).)*
- (3) *Reimbursement of travel expenses for judge and one relative does not constitute an honorarium. (Compendium § 34.1(b) (1995).)*
- (4) *Where a judge's paper for a continuing legal education program was later published and later still won \$3000 cash award at sponsor's annual award program, the award is not a payment for the speech or article and thus not an honorarium. An after-the-fact award based on merit for scholarly work is an award in recognition. (Compendium § 34.1(d) (1995).)*
- (5) *Compensation for teaching a seminar for prospective law students and preparation of course materials does not constitute an honorarium. (Compendium § 34.1-2(d) (1995).)*
- (6) *Fee received by judge as editor-in-chief of a law journal is not an honorarium, but rather compensation for a writing more extensive than an article. (Compendium § 34.1-3(a) (1995).)*

Limitations On Outside Employment

- (1) *Serving as a fiduciary of a family estate or trust as permitted by Canon 5D of the Codes of Conduct does not constitute practicing a profession involving a fiduciary relationship. (Compendium § 35.3(a) (1995).)*
- (2) *Service for compensation as editor-in-chief of a bankruptcy law journal is not the equivalent of being an officer or member of the board of an entity, and thus is not barred by this section. (Compendium § 35.4(a) (1995).)*
- (3) *A judge cannot receive compensation for service as family fiduciary where the trust directs the operating policy of a charity because that would be the functional equivalent of serving as an officer or member of the board of directors. However, it is acceptable for the judge to serve as family fiduciary charged only with duties normally exercised by a family fiduciary. Compensation received is subject to the 15% cap. (Compendium § 35.4(b) (1995).)*

*(4) A judge's status as partner of a family partnership or shareholder of a family corporation is not the equivalent of serving as officer or member of the board of an entity, and thus the financial return to the judge as partner or shareholder is not prohibited. (Compendium § 35.4(c) (1995).)*

*(5) Where a judge failed to obtain prior approval of teaching, Chief Judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7(a) (1995).)*

**IV. Reimbursements and Gifts of  
Transportation, Lodging, Food, Entertainment**

**Special attention should be given to the attached regulations relating to reimbursements and gifts at Appendix IV.**

Information pertaining to the reporting person and a spouse and dependent children, as noted, is required here.

In this Part report information about reimbursements and gifts received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D). For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses. Section 109(15).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A) and (B). For final Reports, see Appendix II for the appropriate reporting period.

In this Part, provide:

- (1) the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements, such as transportation, lodging, food, or entertainment aggregating \$250 or more in value received from any source other than a relative. Gifts from separate sources with a fair market value of \$100 or less need not be aggregated to determine if the \$250 reporting threshold has been met. Section 102(a)(2)(A).
- (2) the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating \$250 or more in value. Section 102(a)(2)(B).

**You are not required to report in Part IV:**

- gifts from a relative. Section 102(a)(2)(A).

- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).
- reimbursements and gifts received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).
- gifts and reimbursements received in a period when you were not an officer or employee of the Federal Government. Section 102(h).
- gifts that are bequests and other forms of inheritance; suitable mementos of a function honoring the reporting person; food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; or communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5).
- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancée of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by your spouse and dependent children, respectively.

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all gifts covered in Parts IV and V of the Financial Disclosure Report.



If you, your spouse, and your dependent children did not receive any reimbursements or gifts reportable in Part IV, check the "None" box rather than leaving Part IV blank.

#### IV. REIMBURSEMENTS AND GIFTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to include reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp 26-29 of Instructions)

##### SOURCE

##### DESCRIPTION

☐

**NONE** (No such reportable reimbursements or gifts)

1

Staley Foundation June 15 - Haymarket, VA. Meeting

2

lodging, food, and transportation

#### *Notes to filer:*

\_\_\_ Do you, your spouse, or any dependent child have any reportable reimbursements or gifts? If not, is the NONE box checked?

\_\_\_ Did you identify the source of the reimbursement or gift, and provide a brief description including a travel itinerary, dates, and nature of expenses?

\_\_\_ Can the gift or reimbursement be accepted by you, your spouse, or dependent child?

#### Commentary

*The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.*

*Attendance of judges and their spouses as guests at bar association dinners is proper, and a judge may accept reimbursement for the judge's or the judge's spouse's travel and hotel expenses to attend such a dinner sponsored by lawyer organizations even when the judge does not speak or render other services at the function. (Advisory Opinion No. 17.)*

*It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will*

*reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)*

*It is permissible for judges to attend bar association events such as receptions where a legal publishing firm has donated the hors d'oeuvres and beverages to the bar association. It is not appropriate, however, for a group of judges or judicial personnel to allow a legal publishing firm or other vendor doing business with their court to donate food and beverages for a meeting of the judges or judicial employees. (Compendium § 2.9(a) (1995).)*

*Although mere attendance (along with others similarly situated) without paying a registration fee would not create an appearance of impropriety, it would create an appearance of impropriety for employees of the Administrative Office to accept from a legal publishing firm a gift of transportation, lodging and meals in connection with a professional training program sponsored by the firm. (Compendium § 2.9(b) (1995).)*

*It would create an appearance of impropriety for a judge to permit a for-profit company to host a reception following the judge's investiture, where the judge had no preexisting relationship with the company, would not otherwise have been required to recuse, and the circumstances would convey the impression that the company was in a special position to influence the judge. (Canon 2B and Compendium § 2.10(c) (1995).)*

*It is permissible for a judge to be the guest of honor at a public dinner arranged by former law clerks, attended by lawyers and other members of the public, as well as the law clerks. The law clerks should make clear on the invitations and other papers relating to the dinner, not only the fact that the dinner is sponsored solely by present and former law clerks, but that the amount paid by other attendees is solely to cover the cost of the dinner, that no fund-raising activity is involved, and that no part of the amount paid for the dinner will be employed in the purchase of a gift for the honoree. (Compendium § 5.4-5(c) (1995).)*

*A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by nonfaculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)*

*A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee. (Code of Conduct for Judicial Employees, Canon 4E.)*

**V. Other Gifts**

**Special attention should be given to the attached regulations relating to gifts at Appendix IV.**

Information pertaining to the reporting person and the spouse and dependent children, as noted, is required in this Part.

In this Part report information about gifts other than transportation, lodging, food or entertainment aggregating \$250 or more in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. Gifts from separate sources with a fair market value of \$100 or less need not be aggregated to determine if the \$250 reporting threshold has been met. Section 102(a)(2)(A).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of \$250 a year, you must report the honorary membership in this Part.

**You are not required to disclose information about:**

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the Federal Government. Section 102(h).

Use the parentheticals "(S)" and "(DC)" to indicate other gifts received by your spouse and dependent children, respectively.

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of gift and relative, refer to Part IV of these Instructions.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting period and rules.

**V. OTHER GIFTS.** (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp. 30-33 of Instructions)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
<input type="checkbox"/>	<b>NONE</b>	(No such reportable gifts)	
1	<u>Former Law clerks</u>	<u>Gavel/robe/brief case 20th Anniv.as Judge</u>	<u>\$ 275.00</u>
2	<u>The Executive Club</u>	<u>Honorary membership (est. dues)</u>	<u>\$ 1200.00</u>

*Notes to filer:*

- \_\_\_\_\_ Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?
- \_\_\_\_\_ Did you list the identity of the source, a description of the gift, and the actual dollar value?
- \_\_\_\_\_ Can the gift be accepted?

Commentary

If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.

The value of a gift is shown by a dollar amount, not by a value code.

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Investitures and Similar Ceremonies

(a) It is permissible for a judge to accept a gavel and a \$500 gift from a former client on the occasion of the judge's investiture. (Compendium § 5.4-2(a) (1995).)

(b) *It is permissible for a judge to accept a gavel and a contribution toward the cost of the reception from a local bar association on the occasion of the judge's investiture. (Compendium § 5.4-2(b) (1995).)*

(c) *It is permissible for a judge to accept leather notebook and pen from Law Institute as a memento of a judge's presentation. (Compendium § 5.4-2(c) (1995).)*

#### Gifts on Special Occasions

(a) *A judge may accept a gift of a trip aboard a cruising ship (costing about \$1500) on the occasion of his 20th anniversary as a United States judge where the donees consist exclusively of persons who have worked directly with him (i.e., law clerks, secretaries, courtroom deputies, and court reporters), there are a sufficient number of donees that no individual contribution to the gift is unusually large, and the judge is not made aware of the amounts contributed by the respective donees. (Compendium § 5.4-7(a) (1995).)*

(b) *On occasion of taking senior status, judge may accept gift from law clerks of golfing trip. (Compendium § 5.4-7(b) (1995).)*

(c) *It is not improper for former law clerks to solicit funds from other law clerks to establish scholarship in honor of retiring judge. The Judge and present law clerks should not solicit. (Compendium § 5.4-7(c) (1995).)*

#### Miscellaneous Gift Rulings

(a) *It is permissible to accept books from West Publishing Company for official use. (Compendium § 5.4-Z(a) (1995).)*

(b) *It is permissible for a judge's children to accept scholarships awarded on the same terms and based on the same criteria applied to other applicants. (Compendium § 5.4-Z(b) (1995).)*

(c) *Gifts from a friend not prohibited where friend not likely to ever appear in judge's court. (Compendium § 5.4-Z(c) (1995).)*

#### Honorary/Reduced-Rate Memberships

(a) *It is permissible for a judge to accept a free membership in a country club, including a waiver or reduction in the initiation fee, or to accept a free or reduced membership in a YMCA if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. (See Advisory Opinion No. 47.)*

*(b) It is permissible for a judge to accept a free membership in the "American Board of Trial Advocates," the organization being devoted to the improvement of the law.  
(Compendium § 5.4-1(b) (1995).)*

*(c) It is permissible to accept free membership in a local bar association.  
(Compendium § 5.4-1(c) (1995).)*

**VI. Liabilities**

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

In this Part list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded \$10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(4). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this Part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous Report.

The category codes for the amount owed as of the end of the reporting period are shown on the Report and are as follows:

J - \$15,000 or less	P1 - \$1,000,001 to \$5,000,000
K - \$15,001 to \$50,000	P2 - \$5,000,001 to \$25,000,000
L - \$50,001 to \$100,000	P3 - \$25,000,001 to \$50,000,000
M - \$100,001 to \$250,000	P4 - more than \$50,000,000
N - \$250,001 to \$500,000	
O - \$500,001 to \$1,000,000	

Section 102(d)(1).

The reporting requirement relates to obligations that at any time during the reporting period exceeded \$10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period.

In the creditor section, indicate, where applicable, the person responsible for the liability with the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of the reporting person and spouse, or "(DC)" for liability of a dependent child.

**You are not required to report:**

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).
- any mortgage secured by real property which is a personal residence of you or

your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).
- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).
- any revolving charge account whose balance did not exceed \$10,000 as of the close of the preceding calendar year.
- political campaign funds, including campaign receipts and expenditures. Section 102(g).
- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and your dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

**VI. LIABILITIES.** (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 34-36 of Instructions.)

CREDITORDESCRIPTIONVALUE CODE\*
☐

**NONE** (No reportable liabilities)

1

Old National Bank

Credit Card

L

2

Nationsbank

Mortgage on Rental Property #1

Alexandria VA (Pt VII, line 3)

M

\*VALUE CODE: J=\$15,000 or less K=\$15,001 to \$50,000 L=\$50,001 to \$100,000 M=\$100,001 to \$250,000  
 N=\$250,001 to \$500,000 O=\$500,001 to \$1,000,000 P1=\$1,000,001 to \$5,000,000  
 P2=\$5,000,001 to \$25,000,000 P3=\$25,000,001 to \$50,000,000 P4=More than \$50,000,000



*Notes to filer:*

\_\_\_\_\_ *Do you, your spouse, or dependent child have any reportable liabilities over \$10,000?*

\_\_\_\_\_ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

\_\_\_\_\_ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

## VII. Investments and Trusts

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

### 1. General

In this Part a complete listing is required of reportable assets owned by the reporting person and spouse and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Part 6 Trusts below).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of \$1,000 at the end of the year or from which you received income in excess of \$200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

#### **You are not required to report:**

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).
- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).
- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).
- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of \$200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than \$5,000. If either condition is met, each such account must be separately reported. Sections 102(a)(1)(B) and 102(a)(3).
- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).

- Political campaign funds, including campaign receipts and expenditures. Section 102(g).
- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

When a Financial Disclosure Report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(B). For final Reports, see Appendix II for the appropriate period.

If you, your spouse, and your dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

#### Commentary

*Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.*

*When determining whether or not an investment asset should be reported, either the income threshold (in excess of \$200 during the preceding calendar year) or the value threshold (in excess of \$1,000) at the end of the year is sufficient to require reporting. For accounts in a financial institution, assets must be in excess of \$5,000 or produce income in excess of \$200. It*

*has been a fairly common misconception from filers that both thresholds must be met before an asset is required to be disclosed.*

*Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.*

*The reporting of accounts in a financial institution does require some clarification since the Committee changed some of the language for the calendar year 1994 Instructions. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then each such account must be separately reported for each individual. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:*

- (1) accounts individually owned by filer,*
- (2) accounts individually owned by spouse,*
- (3) accounts individually owned by dependent child, and*
- (4) accounts jointly owned by filer and spouse or dependent child.*

*It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.*

## 2. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous Report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted.
- For an account within a financial institution, give sufficient information so that it can be identified. Aggregate information may be provided for accounts in each financial institution.
- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).

- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.
- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary"), the name (if any) of the trust, and the name and location of the trustee.
- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the fund.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's Report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of \$1,000) in the following year and thus are not reported. When this occurs, put an explanatory item in Part VII or in Part VIII, with a reference in Part VII to avoid a letter of inquiry.

In addition, identify with a parenthetical "(X)" assets which have been previously exempt from disclosure and now are reportable. This should preclude a letter of inquiry from the reviewer.

In the Description section of Part VII (Column A), indicate, where applicable, the owner of the listed asset with the parenthetical "(J)" for joint-ownership by the reporting person and spouse, "(S)" for separate ownership by spouse, or "(DC)" for ownership by dependent child.

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.



- \_\_\_\_\_ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*
- \_\_\_\_\_ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*
- \_\_\_\_\_ *Do you clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs and brokerage accounts?*
- \_\_\_\_\_ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure on the previous report?*
- \_\_\_\_\_ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and the assets therein properly identified?*

#### Commentary

*When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and auditor when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that lists its accounts in the name of the firm.*

*When reporting accounts with financial institutions, the type of account does not need to be listed.*

*When reporting an interest in a mutual fund or common trust fund, only the name of the fund is required. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in 6. Trusts and Similar Entities are met.*

*It is important that the owner of each asset be properly identified and be consistent on each Report. In the event of a discrepancy, an explanation should be provided in Part VIII to preclude a letter of inquiry.*

*The reviewer and auditor will note when an asset appears on the current Report and is not listed on the prior Report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior Report.*

*It is important to recognize that in almost every instance where a filer is a trustee, executor, administrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this Part.*

### 3. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income -- dividends, rent, interest, or income from discharge of indebtedness -- is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. If the type of income is not a dividend, rent, interest, or income from discharge of indebtedness, it should be explained either in Part VII or Part VIII. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

A	-	\$1,000 or less
B	-	\$1,001 to \$2,500
C	-	\$2,501 to \$5,000
D	-	\$5,001 to \$15,000
E	-	\$15,001 to \$50,000
F	-	\$50,001 to \$100,000
G	-	\$100,001 to \$1,000,000
H1	-	\$1,000,001 to \$5,000,000
H2	-	More than \$5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of \$200 is reached.



**VII. INVESTMENTS and TRUSTS -- income, value, transactions.** (Includes those of spouse and dependent children; see pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets)		B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child.		(1)  Amt. Code1 (A-M)	(2)  Type (e.g., div., rent or int.)  Code2 (N-P)	(1)  Value Code2 (J-P)	(2)  Value Method Code3 (Q-W)	(1)  Type (e.g., buy, sell, merger redemption)	If not exempt from disclosure			
							(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
Place "(X)" after each asset except from prior disclosure										
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)										
1 LEGO COMMON STOCK (S)		B	DIV							
2 RENTAL Property #1, ALEXANDRIA, VA (1995 \$200,000) (J)		D	RENT							
3 Nationsbank (IRA) (CDs)		A	INT							
4 McDonalds Preferred Stock (X)			NONE							
1 Income/Gain Codes: A=\$1,000 or less      B=\$1,001 to \$2,500      C=\$2,501 to \$5,000      D=\$5,001 to \$15,000 (See Col. B1 & D4) E=\$15,001 to \$50,000    F=\$50,001 to \$100,000    G=\$100,001 to \$1,000,000    H=\$1,000,001 to \$5,000,000 H1=\$1,000,001 to \$5,000,000         H2=More than \$5,000,000										
2 Value Codes: J=\$15,000 or less    K=\$15,001 to \$50,000    L=\$50,001 to \$100,000    M=\$100,001 to \$250,000 (See Col. C1 & D3) N=\$250,001 to \$500,000    O=\$500,001 to \$1,000,000    P1=\$1,000,001 to \$5,000,000 P2=\$5,000,001 to \$25,000,000    P3=\$25,000,001 to \$50,000,000    P4=More than \$50,000,000										

*Notes to filer:*

Do you disclose in Column B the amount and type of income?

*If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?*

### Commentary

*Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.*

*The statute lists only four types of income- dividends, rent, interest, or income from discharge of indebtedness. If the filer lists another type, then it should be explained in Part VII or Part VIII.*

*Some filers question whether to report income from IRAs or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt.*

*Filers will take special care when disclosing an IRA (Individual Retirement Account). They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed. Many IRAs are invested in cash or cash-equivalent accounts, such as a money market fund or other deposit account in a bank. No further information about these accounts is required to be disclosed. However, if any other type of entity, such as a broker holds IRA assets for a filer, the filer must disclose the underlying holdings in the account. IRAs may contain almost any investment, such as mutual funds, stocks, or bonds.*

*Other tax-deferred retirement or pension accounts (such as Simplified Employee Pensions-SEPs, Keogh Plans-HR-10, 401(k), and 403b Plans) are similar to IRAs and are self-directed where the filer has control over the funds. Therefore, the underlying investments should also be disclosed.*

#### 4. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). There are statutory value ranges and a value code on the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the Transaction part of Part VII, Column D. They are as follows:

J	-	\$15,000 or less
K	-	\$15,001 to \$50,000
L	-	\$50,001 to \$100,000
M	-	\$100,001 to \$250,000
N	-	\$250,001 to \$500,000
O	-	\$500,001 to \$1,000,000
P1	-	\$1,000,001 to \$ 5,000,000
P2	-	\$5,000,001 to \$25,000,000
P3	-	\$25,000,001 to \$50,000,000
P4	-	More than \$50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

- Q -- Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.
- R -- Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII-A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.
- S -- Assessment -- assessed value for tax purposes. If this method is used, show in Part VII-A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.
- T -- Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.
- U -- Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.
- V -- Other. Any other recognized indication of value, such as current selling price of a comparable interest. If this method is used, you must describe in Part VII-A or Part VIII the method used.
- W -- Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

**VII. INVESTMENTS and TRUSTS -- income, value, transactions.** (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (including trust assets)  Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child.  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	If not exempt from disclosure				
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	(1) Type (e.g., buy, sell, merger redemption)	(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)	B	DIV	K	T					
2 Rental Property #1, ALEXANDRIA, VA (1995 \$200,000) (J)	D	RENT	M	R					
3 Nationsbank (IRA) (CDs)	A	INT	J	T					
4 McDonalds Common Stock (X)		NONE	J	T					
1 Income/Gain Codes: A=\$1,000 or less (See Col. B1 & D4) E=\$15,001 to \$50,000 H1=\$1,000,001 to \$5,000,000 B=\$1,001 to \$2,500 F=\$50,001 to \$100,000 H2=More than \$5,000,000 C=\$2,501 to \$5,000 G=\$100,001 to \$1,000,000 D=\$5,001 to \$15,000 2 Value Codes: J=\$15,000 or less K=\$15,001 to \$50,000 L=\$50,001 to \$100,000 M=\$100,001 to \$250,000 (See Col. C1 & D3) N=\$250,001 to \$500,000 O=\$500,001 to \$1,000,000 P1=\$1,000,001 to \$5,000,000 P2=\$5,000,001 to \$25,000,000 P3=\$25,000,001 to \$50,000,000 P4=More than \$50,000,000 3 Value Method Codes: Q=Appraisal (See Col. C2) U=Book Value R=Cost (real estate only) V=Other S=Assessment T=Cash/Market U=Estimated									

Notes to Filer:

\_\_\_\_\_ Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?

\_\_\_\_\_ Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?

\_\_\_\_\_ If you used value method codes "Q", "R", "S", or "V," did you include the appropriate information in Column A or Part VIII?

Commentary

*If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.*

*In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:*

- (1) "Q"-Appraisal- the date of the appraisal.
- (2) "R"-Cost- the date of purchase and the dollar amount of the purchase price.
- (3) "S"-Assessment- the dollar amount of the assessed value.
- (4) "V"-Other- the filer must describe the method used in Column A (Description) or Part VIII.

## 5. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds \$1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

- a) the type of transaction, e.g., buy, sell, merger, inherit, redeem, etc.;
- b) the date of the transaction;
- c) the value category code indicating the value of the consideration paid or received;
- d) the capital gain, if exceeding \$200, realized on a disposition, using the appropriate income category code (codes A-H);
- e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange.
- f) the liquidation of a bank account or money market fund that may have been reported on a prior Report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines.

On an exchange of properties, e.g., exchange of stock of ABC Co. for stock in XYZ Co. as a result of merger, list both the disposition of the ABC stock, and show any capital gain, whether or not recognized, and the acquisition of the XYZ stock.

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the Report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the Report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

**You are not required to provide detailed transactional data on:**

- transactions solely between yourself, your spouse, and your dependent children. Section 102(a)(5).
- transactions in which the then fair market value of consideration paid or received did not exceed \$1,000. Section 102(a)(5).
- transactions involving property used solely as the personal residence of you or your spouse. Section 102(a)(5)(A).
- transactions involving a mere change of form of assets, e.g., a stock split.
- deposits or withdrawals from bank accounts and money market funds.
- transactions involving the reinvestment of dividends, interest, and capital gain distributions.

If property listed in Part VII is acquired (or created) or disposed of (or liquidated) during the year in a transaction that is exempt from disclosure as above noted, indicate in Column D the type of transaction.

If property is partially disposed of during the reporting year, Columns C and D may both require information. To avoid a response to questions of possible errors in reporting, indicate on the asset line that it was "part sold."

**VII. INVESTMENTS and TRUSTS -- income, value, transactions.** (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (including trust assets)  Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child.  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)	B	DIV	K	T	Buy	7/10	J		
2 Rental Property #1, ALEXANDRIA, VA (1995 \$200,000) (J)	C	RENT			Sell	12/5	N	E	Joe Smith
3 Nationsbank (Savings Account)	A	INT			Close				
4 Cabin Creek National Bank (Stock)	B	DIV	L	U	Partial Sale	10/1	J	B	Jeremiah West
1 Income/Gain Codes: A=\$1,000 or less      B=\$1,001 to \$2,500      C=\$2,501 to \$5,000      D=\$5,001 to \$15,000 (See Col. B1 & D4) E=\$15,001 to \$50,000      F=\$50,001 to \$100,000      G=\$100,001 to \$1,000,000      H=\$1,000,001 to \$5,000,000 H1=\$1,000,001 to \$5,000,000      H2=More than \$5,000,000									

Notes to filer:

- \_\_\_ If the asset is a new listing, do you list in Column D information on the transaction?
- \_\_\_ Do you list the date of the transaction in Column D(2)?
- \_\_\_ Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?
- \_\_\_ Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?
- \_\_\_ Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?

Commentary

*In addition to purchases and sales, other types of transactions such as mergers, gifts, inheritances, and redemptions require completion of all parts of Columns D(1)-(3).*

*If an asset was disposed of (sale or redemption), then Column D(4)- the capital gain code should also be provided. In addition, Column D(5) should be completed as to the identity of the buyer or seller if it was a private transaction (as opposed to a transaction conducted through public trading, as on a stock or commodities exchange).*

*It should be noted that some filers leave Column D blank when they have a transaction which does not require complete details. However, Column D(1) should be completed to provide the type of transaction. This is a common omission when the filer either opens or closes an account in a financial institution. The following are common examples of these types of transactions:*

- (1) opening and closing of accounts in financial institutions, including the rollover of an account from one financial institution to another,*
- (2) transactions solely between the filer, his or her spouse, and dependent children,*
- (3) transactions in which the then fair market value of consideration paid or received did not exceed \$1,000, and*
- (4) transactions involving a mere change of form of assets, e.g., a stock split.*

6. Trusts and Similar Entities

Holdings of beneficial interests in trusts and similar entities present special problems in reporting.

A reporting person need not report the holdings of, or the source of, income from any of the holdings of:

- a) a qualified blind trust. Section 102(f)(1). (see below).
- b) a trust:
  - (i) which was not created directly by the reporting person, his spouse, or any dependent child; and
  - (ii) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.
 Section 102(f)(2).



- c) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Individual assets, stocks, and bonds that are part of an IRA or brokerage account must be disclosed. However, when a mutual or widely diversified fund is part of an IRA or brokerage account, only the name of the fund and not its underlying stocks, bonds, or other assets, must be listed. In other words, underlying stocks, bonds, etc. in a pooled fund which are not individually directed by the reporting individual need not be disclosed.

A reporting person should complete Part VII, Columns A and B, for the trust or other financial arrangement qualifying under the conditions listed. Section 102(f)(2).

Report the holdings and sources of income of interests in private investment clubs or investment partnerships. In these arrangements, as in other trusts not qualifying under the conditions listed above, the basic rule is that the income, value and transactions of the holdings of the trust or similar arrangement in which you, your spouse or dependent child have a beneficial interest must be reported. In lieu of reporting the beneficial share of income, value, and transactions separately for each asset, you may treat the entire beneficial share as one item reportable in Part VII, Columns A, B, and C and, if applicable, capital gains in Column D. In addition, when using this alternative reporting method, you must provide a separate schedule of the assets owned by the trust, together with acquisitions and dispositions, during the reporting period.

A qualified blind trust is subject to special rules. Section 102(f). The effect of the Codes of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses and dependent children. Other judicial employees may own beneficial interests in qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

**VII. INVESTMENTS and TRUSTS -- income, value, transactions.** (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets)  Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child.  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1 GEORGE WASHINGTON TRUST									
2 IBM Common Stock	A	DIV	K	T					
3 20th Century Mutual Fund	B	DIV	L	T					
4 New York City Municipal Bonds		NONE	L	T	BUY	12/9	L		
5 MERRILL LYNCH BROKERAGE ACCT - IRA									
Merrill Lynch Health Mutual Fund	A	DIV			SELL	1/8	K	A	
Merrill Lynch Growth Mutual Fund	B	DIV	K	T	Buy	1/9	K		
<b>1 Income/Gain Codes:</b> A=\$1,000 or less (See Col. B1 & D4) B=\$1,001 to \$2,500 E=\$15,001 to \$50,000 H=\$50,001 to \$100,000 N1=\$1,000,001 to \$5,000,000 C=\$2,501 to \$5,000 G=\$100,001 to \$1,000,000 H2=More than \$5,000,000 D=\$5,001 to \$15,000 F=\$50,001 to \$100,000									
<b>2 Value Codes:</b> J=\$15,000 or less (See Col. C1 & D3) K=\$15,001 to \$50,000 L=\$50,001 to \$100,000 M=\$100,001 to \$250,000 N=\$250,001 to \$500,000 O=\$500,001 to \$1,000,000 P1=\$1,000,001 to \$5,000,000 P2=\$5,000,001 to \$25,000,000 P3=\$25,000,001 to \$50,000,000 P4=More than \$50,000,000									

Notes to filer:

\_\_\_\_\_ Did you complete the columns for each asset in the trust, or provide aggregate values?

\_\_\_\_\_ If you provide aggregate values for a trust or other instrument, are you required to list each asset individually? If so, do you clearly identify each asset and any transactions?

Commentary

*The holdings of beneficial interests in trusts and similar entities, such as estates, present special problems in reporting. The reporting person is not required to disclose the individual holdings from any trust or other financial arrangement which is specifically exempted and noted as such in the Instructions. The two most common types of exemptions are as follows:*

*(1) a trust:*

*(a) which was not created directly by the reporting person, his spouse, or any dependent child; and*

*(b) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.*

*(2) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. (This is most commonly associated with regulated investment company accounts, mutual funds, pension or deferred compensation plans, or other investment funds.)*

*However, for any other trust, estate, or financial arrangement, the individual holdings of which the filer, the spouse, or the dependent child have a vested beneficial interest should be disclosed. The Committee has adopted the following language to use as a guideline:*

*A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.*

Related Commentary

*The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges And Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.*

*(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)*

*(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)*

(3) *An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)*

(4) *A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)*

(5) *A judge does not have a financial interest in a corporation whose securities are held by either an educational institution or a private trust of which the judge is a trustee or in which the judge has no beneficial interest and no control over directing investments. (Canon 6(C)(1), Advisory Opinion 16.)*

(6) *An interest in a limited partnership designed to engage in particular investment strategies can fall within the concept of a "common investment fund" when the judge has no control or influence over the general partner or over the investment decisions. The investment vehicle is similar to a mutual fund. (Compendium § 3.1-3(e) (1995).)*

(7) *A judge has a "financial interest" in each of the named underlying equity securities when the judge's IRA owns units of an investment vehicle which holds 15 named corporations, the portfolio is not actively managed, and it is not contemplated the securities will be sold or exchanged prior to termination of the investment vehicle in ten years. Investment vehicle does not qualify as "mutual fund or common investment fund" under Canon 3C. (Compendium § 3.1-3(f) (1995).)*

(8) *A law firm's KEOGH plan or 401k plan managed by the firm, small number of participants, ready access to investment information) does not qualify for the "common fund" exception under Canon 3C. (Compendium § 3.1-3(c) (1995).)*

(9) *A law firm's retirement fund qualifies for the "common investment fund" exception under Canon 3C where the financial interest is indirect (due to the number of participants and the size and diversity of investments), directed investment by participants is not available, and the participants do not know and cannot easily find out about a fund's portfolio, which turns over frequently. (Compendium § 3.1-3(c-1) (1995).)*

### **VIII. Explanatory Comments**

Use this section to add information clarifying other portions of the Report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Codes of Conduct for United States Judges. Also use this section to explain any apparent inconsistencies between the current Report and past Reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one Report to the next. For example, indicate if an asset has a different name from that used in the prior Report because of a reorganization or change of name.

Use attachment pages if more space is needed.

### **IX. Certification and Signature**

The certifications provided on the form cover (1) a certification that the reporting person did not perform any adjudicatory function in any litigation during the reporting period in which such person or his or her spouse or minor or dependent children had a financial interest; (2) a certification that the Report is accurate, true, and complete as to all information required by the Act to be reported; and (3) a certification that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The first certification covers only minor or dependent children. If it cannot be made in the form contained on the Report, e.g., the reporting person performed adjudicatory functions in a case either in error or under the "rule of necessity," modify the certificate and explain in Part VIII.

The original Report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a Report, amend the Report by one of the methods explained on page 4.

## COMPLIANCE AND SANCTIONS

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. 4, § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

## ETHICAL STANDARDS

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Codes of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Codes of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

## PUBLIC ACCESS

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public within thirty (30) days after the Report is received by the Committee on Financial Disclosure and only upon written application. Sections 105(a) and (b)(1).

Individuals requesting copies of Financial Disclosure Reports will be required to present adequate identification such as a picture identification, when requesting a copy in person. Those requesting copies by mail will be required to submit a notarized request.

There will be a charge of fifty (50) cents for each page copied. A Report will be made available only to a person who states on a written application:

- (A) that person's name, occupation and address;
- (B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

- (C) that such person is aware of the prohibitions with regard to obtaining or using the Report.

Section 105(b)(2).

It shall be unlawful for any person to obtain or use a Report--

- (A) for any unlawful purpose;
- (B) for any commercial purpose other than by news and communications media for dissemination to the general public;
- (C) for determining or establishing the credit rating of any person; or
- (D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a Report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

Commentary

*Financial Disclosure Reports are public documents open for copying and inspection and will be maintained in the Financial Disclosure Office for six years, after which the reports will be destroyed unless there is an ongoing investigation. The Committee has held that by statute felons cannot be restricted from ready access to the Reports. Immediately upon mailing a copy of a filer's Report to the requestor, staff sends a courtesy letter of notification to the filer informing the filer that a proper request for a copy of filer's Report was received and that it is being made available.*

*Staff has been instructed to delete home addresses from Reports requested by the public.*

*The Instructions for completing Financial Disclosure Reports are made available to the public upon request. The fee for copying Reports can be waived only after a determination by the Committee that it is in the public interest and that the requestor is unable to pay (e.g., waiver of the copying fee for prisoners). Substantive inquiries from the press or other members of the public are handled by the Committee Counsel.*

**APPENDIX I****INITIAL REPORTS****WHO MUST FILE AND WHEN**

Persons nominated to be JUDICIAL OFFICERS must file an initial Report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial Report within 30 days of assuming their positions, Section 101(a), if they assume their position before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 1 and December 31 must file an initial Report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule before November 1, must file an initial Report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 1 and December 31, judicial employees must file an initial Report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than sixty (60) days in a calendar year is not required to file an annual Report. However, if the person actually performs duties for more than sixty (60) days, an initial Report must be filed within fifteen (15) days of the sixtieth day. Section 101(h).

**INSTRUCTIONS FOR COMPLETING EACH PART**

Below are specific instructions that differ from those provided for annual Reports.

**Identifying Information**

**BLOCK 3. Date of Report.** For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered before November 1. If you entered between November 1 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

**BLOCK 5. Report Type.** Check the appropriate report form and in the case of a nomination Report show the date your nomination was transmitted to the Senate.

**BLOCK 6. Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).



**I. Positions**

The reporting period is the two calendar years preceding the date of the Report through the filing date in the current calendar year. Section 102(a)(6)(A).

**III. Non-investment Income**

The reporting period is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of \$5,000 in any of the two calendar years prior to the calendar year during which you file your first Report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

**IV. and V. Reimbursements and Gifts**

**You are not required to complete these Parts of the Report. Section 102(b)(1).** Note "exempt" in these two spaces.

**VI. Liabilities**

The reporting period is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

**VII. Investments and Trusts**

The reporting period for providing income information for assets is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in these two spaces.

**APPENDIX II****FINAL REPORTS****WHO MUST FILE AND WHEN**

A JUDICIAL OFFICER who works 60 days or more in a calendar year is required to file a final Report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final Report, but continues to be obligated to file an annual Report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than sixty (60) days.

A JUDICIAL EMPLOYEE who works 60 days or more in a calendar year is required to file a final Report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the Federal government subject to financial disclosure reporting is not required to file a final Report when changing position. Section 101(e).

**INSTRUCTIONS FOR COMPLETING EACH PART**

Below are specific instructions that differ from those provided for annual Reports.

**Identifying Information**

**BLOCK 3. Date of Report.** The date the Report is completed, and not more than 30 days after termination of employment.

**BLOCK 5. Report Type.** Check final Report.

**BLOCK 6. Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual Report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

**Parts I. - VII.**

The reporting period is the calendar year preceding the date of the Report through the filing date in the current calendar year. Section 102(c). If an annual Report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

## APPENDIX III

**REGULATIONS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES UNDER TITLE VI  
OF THE ETHICS REFORM ACT OF 1989 CONCERNING  
OUTSIDE EARNED INCOME, HONORARIA, AND  
OUTSIDE EMPLOYMENT**

**AUTHORITY:** Ethics Reform Act of 1989, Pub. L. No. 101-194, §§ 601-603, 103 Stat. 1716, 1760-1763 (1989), as amended by Pub. L. No. 101-280, adding new §§ 501-505 to 5 U.S.C. app. 4; Pub. L. No. 101-650, Title III, § 319, adding new § 502(b) to 5 U.S.C. app. 4; Pub. L. No. 102-90, § 314(b), amending 5 U.S.C. app. 4, § 505(3); and Pub. L. No. 102-198, § 6, amending 5 U.S.C. app. 4, § 502(b). These regulations are promulgated by the Judicial Conference of the United States under the authority of 5 U.S.C. app. 4, § 503(3).

**§ 1. Purpose and Scope.**

- (a) These regulations implement Title VI of the Ethics Reform Act of 1989, 5 U.S.C. app. 4, §§ 501-505, by prescribing:
  - (1) limitations (i) on the amount of outside earned income that certain officers and employees of the judiciary may receive and (ii) on the types of outside employment activities in which such officers and employees may engage; and
  - (2) a prohibition against the acceptance of honoraria for any appearance, speech, or article by certain officers or employees of the judiciary.
- (b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.
- (c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action, which may be in addition to any penalty prescribed by statute or regulation.

**§ 2. Definitions.**

- (a) A "judicial officer or employee" means any United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee or officer of the judicial branch other than a part-time magistrate judge, or an officer or employee of the Supreme Court of the United States or the Federal Judicial Center.
- (b) A "covered senior employee" means an individual who is a noncareer officer or employee (defined for these purposes as the following officers and employees)
- (1) circuit judges;
  - (2) district judges;
  - (3) judges of the Court of International Trade;
  - (4) judges of the Court of Federal Claims;
  - (5) judges and special trial judges of the Tax Court;
  - (6) judges of the Court of Veterans Appeals;
  - (7) bankruptcy judges;
  - (8) full-time magistrate judges;
  - (9) the commissioners and staff of the Sentencing Commission;
  - (10) the Director of the Administrative Office of the United States Courts;
  - (11) the Deputy Director of the Administrative Office of the United States Courts; or
  - (12) employees of the Administrative Office of the United States Courts appointed by the Director to a position exempted under the Administrative Office of the United States Courts Personnel Act of 1990, § 3(a)(5)(B), or to a position paid under 28 U.S.C. § 603;

and whose rate of basic pay is equal to or greater than

120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

- (c) The terms "judicial officer or employee" and "covered senior employee" set forth in sections 2(a) and (b), above, do not include any special government employee as defined in 18 U.S.C. § 202.

**§ 3. Outside Earned Income Limitation.**

- (a) No covered senior employee may have outside earned income attributable to a calendar year which exceeds 15 percent of the annual rate of basic pay for Level II of the Executive Schedule under 5 U.S.C. § 5313 as of January 1 of that calendar year.
- (b) "Outside earned income" means all wages, salaries, commissions, professional fees, and payments and compensation of any kind for services rendered or to be rendered by the covered senior employee, less the ordinary and necessary expenses paid or incurred in producing the income, provided, however, that the following shall not constitute outside earned income:
  - (1) Funds received for services rendered to or for the United States government and income attributable to service with the national guard;
  - (2) Pensions, annuities, deferred compensation (whether qualified or nonqualified) and other funds received for services rendered by the reporting individual before becoming a covered senior employee, or before January 1, 1991;
  - (3) Funds received from investments to the extent not attributable to significant personal services of the covered senior employee;
  - (4) Funds received from a business totally owned by the covered senior employee, or his or her family, as defined in Canon 5C(2) of the Code of Conduct for United States Judges, to the extent that such funds do not result from significant personal services of the covered senior employee;
  - (5) Royalties, fees, and their functional equivalent, from the use or sale of copyright, patent, and similar forms of legally recognized intellectual

property rights, when received from established users or purchasers of those rights;

- (6) Anything of value earned or received for services rendered which is not includible as gross income in the relevant calendar year under controlling provisions of the Internal Revenue Code; and
- (7) Compensation received by a senior judge for approved teaching under § 5(a)(5) if the senior judge --
  - (i) retired from regular active service under § 371(b) and is certified as having met the requirements of § 371(f) of title 28, United States Code; or
  - (ii) retired from regular active service on permanent disability under § 372(a) of title 28, United States Code.
- (c) "Outside earned income" is attributed solely to the actual earner, even though under applicable community property law one-half of any personal service income earned by a covered senior employee may be deemed to belong to a spouse.

**§ 4. Prohibition on Receipt of Honoraria.**

- (a) No judicial officer or employee shall receive any honorarium while that individual is a judicial officer or employee.
- (b) "Honorarium" means a payment of money or anything of value (excluding or reduced by travel expenses as provided in 5 U.S.C. app. 4, §§ 505(3) and (4)) for an appearance, speech or article by a judicial officer or employee, provided that the following shall not constitute an honorarium:
  - (1) Payment for a series of related appearances, speeches or articles, provided that the subject matter is not directly related to the officer's or employee's official duties and that the payment is not made because of the officer's or employee's status with the Government.

- (2) Compensation received for teaching activity, provided that in the case of covered senior employees such teaching activity is approved pursuant to Section 5 hereof.
  - (3) Awards for artistic, literary or oratorical achievement made on a competitive basis under established criteria.
  - (4) Compensation for any performance using an artistic, athletic, musical, or other skill or talent or any oral presentation incidental thereto, provided that the subject matter is not directly related to the officer's or employee's official duties and further provided that the opportunity is not extended because of the officer's or employee's official position.
  - (5) Compensation for any writing more extensive than an article.
  - (6) Compensation for works of fiction, poetry, lyrics, script or other literary or artistic works.
  - (7) A suitable memento or other token in connection with an occasion or article, provided that it is neither money nor of commercial value.
- (c) Any honorarium which, except for subsection 4(a) hereof, might be paid to a judicial officer or employee, but which is paid instead on behalf of such officer or employee to a charitable organization described in section 170(c) of the Internal Revenue Code of 1986, shall be deemed not to be received by such individual for purposes of that subsection so long as such payment does not exceed \$2,000 and is not made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any direct financial benefit separate from and beyond any general benefit conferred by the organization's activities. However, no payment may be made to a charitable organization under this subsection if the judicial officer or employee would be prohibited from receiving and retaining the honorarium by any applicable standards of conduct other than subsections 3(a) or 4(a) (for example, where an appearance, speech or article is prepared as part of official duties).

**§ 5. Limitations on Outside Employment.**

(a) No covered senior employee shall:

- (1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;
- (2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;
- (3) practice a profession which involves a fiduciary relationship for compensation;
- (4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or
- (5) receive compensation for teaching, without the prior notification and approval as herein provided.

(b) "Teaching" in these regulations includes teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering. Examples of the latter are a lecture, lecture series or symposia sponsored by a law school or college. Teaching also includes participation in continuing legal education programs for which credit is given by licensing authorities or programs which are sponsored by recognized providers of continuing legal education.

(c) A covered senior employee who obtains prior approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, may engage in part-time teaching for compensation. Covered senior employees of the Court of International Trade or the Court of Federal Claims shall obtain approval from the chief judges of those courts. Covered senior employees of the Tax Court shall obtain approval from the chief judge of the Tax Court. Covered senior employees of the Court of Veterans Appeals shall obtain approval from the chief judge of the Court of Veterans Appeals. Covered senior employees of the Sentencing Commission shall



obtain approval from the Chairman of the Sentencing Commission. Covered senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

- (d) The procedures for obtaining prior approval of teaching activities are as follows:
  - (1) A request for approval for compensated teaching shall be made --
    - (A) prior to the commencement of any compensated teaching;
    - (B) during the performance of a previously approved teaching commitment, prior to any material increase in the compensation or the time required; and
    - (C) during the performance of a previously approved long-term teaching commitment, prior to the commencement of teaching in any new academic year (i.e., the Fall semester).
  - (2) A request for approval for compensated teaching shall state the institution for which the teaching will be done, the source and amount of compensation, and the time required, including travel. The requester shall represent that the proposed activity will be consistent with the relevant Code of Conduct.
  - (3) The chief judges of the circuits, the Court of International Trade, the Court of Federal Claims, the Tax Court, and the Court of Veterans Appeals shall approve or disapprove a request based on whether (i) the proposed activity will be consistent with the Codes of Conduct, (ii) the requester is current in his or her judicial work, and (iii) the proposed activity is unlikely to affect adversely the ability of the court in which the requester serves to conduct its operations efficiently. In the case of a request by the chief judge of the circuit, the judicial council of that circuit shall approve or disapprove the request. A request by the chief judge of the Court of Appeals for the Federal Circuit, the Court of International

Trade, the Court of Federal Claims, the Tax Court, or the Court of Veterans Appeals shall be approved or disapproved by majority vote of their respective courts. In the case of a covered senior employee of a district court, the chief judge of the circuit shall consult with the chief judge of the district court and, where appropriate, the chief judge of the bankruptcy court before making the decision. In the case of a senior judge, the chief judge shall make adjustments in the criteria for approval to take account of the senior judge's status and decreased work assignments.

- (4) The decision by the chief judge may be appealed to the judicial council, or the Court of Appeals for the Federal Circuit, the Court of International Trade, the Court of Federal Claims, the Tax Court, or the Court of Veterans Appeals as appropriate. A majority vote to approve or disapprove the request shall be final.
- (e) Reports of teaching requests and rulings covering the 12-month period ending June 30 shall be sent by chief judges or others authorized to approve such requests to the Judicial Conference Committee on Codes of Conduct by July 31 of each year. That committee shall monitor these submissions and report to the Judicial Conference.

#### **§ 6. Advisory Opinions.**

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title VI of the Ethics Reform Act of 1989 (5 U.S.C. app. 4, §§ 503(3), 504(b)) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

#### **§ 7. Effective Date.**

These regulations will become effective on January 1, 1991, if, but only if, the provisions of 5 U.S.C. app. 7, §§ 501, 502, 503, 504, and 505 are then in effect.

## COMMENTARY

Judges and judicial employees who are covered by Codes of Conduct promulgated by the Judicial Conference of the United States may receive outside earned income, make speeches and appearances, write articles, and engage in extrajudicial activities only in conformity with the provisions of both the Codes of Conduct and these regulations.

Title VI of the Ethics Reform Act of 1989 (the Act) applies to officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definitions of "judicial officer or employee" and "covered senior employee" exclude the judicial officers and employees of the Supreme Court and the Center. For purposes of Title VI and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

"Outside earned income" includes anything of value received in consideration for the provision of services by a covered senior employee with the exceptions specified in § 3(b). Under § 3(b)(5), the advance payment of permissible royalties, fees, or the functional equivalent thereof, is not outside earned income if it must be deducted from amounts that subsequently become payable. A covered senior employee may, under § 3(b)(6), determine outside earned income in a manner consistent with his or her income tax return, or may allocate any amount received in a calendar year over two or more years pursuant to a good faith allocation reflecting the work done. The outside earned income limitation that applies to an individual who becomes a covered senior employee during a calendar year is determined on a pro rata basis by dividing the annual income limitation by 365 and multiplying it by the number of days during that calendar year that the individual serves as a covered senior employee. Income earned before an individual becomes a covered senior employee is not subject to this limitation.

A covered senior employee, in planning for compliance with the limitation on outside earned income, may be required to estimate in advance income producing expenses for a calendar year. Should the actual expenses turn out to be less than anticipated, causing the outside earned income to exceed the statutory limitation, the requirements of § 3 are satisfied if the resulting excess is refunded to the payor promptly after the close of the year.

The Act prohibits a judicial officer or employee from accepting any "honorarium" and defines "honorarium" as "a payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government)." The ban on the receipt of honoraria does not preclude a judicial officer or employee from accepting compensation for a series of thematically connected presentations, works, or articles not directly related to his or her official duties so long as the compensation is not being paid because of the individual's status with the judicial branch. Also, payments for artistic and literary works or performances generally are not considered honoraria and are excluded from the ban. Nor does the ban prohibit reimbursement of actual expenses such as typing, editing, and reproduction costs incurred in connection with an appearance, speech or article.

The general prohibition standing alone could be read to foreclose the receipt of compensation for appearances, lectures, and speeches in the context of a bona fide educational program. This was clearly not the intent of Congress, however, since Title VI specifically approves teaching for compensation by judicial officers and senior employees so long as an appropriate entity designated by the Judicial Conference gives prior approval to such teaching and so long as the compensation received, together with other outside earned income, does not exceed the 15% limit on outside earned income. (Compensation received by senior judges for teaching is excluded from the 15% limit on outside earned income if the judge retired from regular active service under 28 U.S.C. § 371(b) and is certified as having met the requirements of 28 U.S.C. § 371(f) or retired on permanent disability under 28 U.S.C. § 372(a).) Thus, the prohibition on receipt of honoraria does not foreclose teaching for compensation.

Compensation received from a law school for writing a law review article is an example of an honorarium. On the other hand, compensation received as the author or co-author of a bona fide legal treatise or book is an example of compensation for scholarly writing more extensive than an article and therefore is not an honorarium. Of course, compensation for writing more extensive than an article is excluded from the definition of an honorarium only if it is bona fide compensation for the writing, e.g., compensation received from an established publisher pursuant to usual and customary contractual terms.

The same rules apply whether the writing is legal or nonlegal, scholarly or otherwise. For example, compensation received for

writing a nonlegal article for a newspaper or magazine is an honorarium. On the other hand, compensation received as the author or co-author of a nonlegal book is not an honorarium.

The definition of a prohibited "honorarium" excludes a suitable memento or other token in connection with an occasion or article, provided it is neither money nor of commercial value. The test for commercial value is whether the memento would have commercial value in the hands of the recipient. Examples of suitable mementos include a plaque or letter opener. Examples of "other tokens" that are not honoraria include benefits incidental to attending the occasion or to the publication of an article such as food and beverages consumed, waiver of a registration fee, copies of publications containing articles, reprints of a law review article, a free subscription provided to the author of the article, or tapes of appearances or speeches and similar items that provide a record of the event.

The prohibition against practicing a profession that involves a fiduciary relationship includes the providing of legal, real estate, consulting and advising, insurance, medicine, architectural, or financial services when those services involve such a relationship. The prohibition does not apply to service by a covered senior employee as an executor or trustee of a family estate or trust as permitted by the Codes of Conduct where the covered senior employee does no more than provide the service that would be provided by a lay person in the same capacity. Compensation received for such services is subject to the 15 percent limitation on outside earned income.

Covered senior employees are required to notify the authority designated to grant approvals and obtain approval prior to engaging in compensated teaching activities. Further, during the performance of a previously approved teaching commitment, approval is required prior to any material increase in the compensation or the time required. Those who have previously secured approval for compensated teaching pursuant to a long-term contract must reapply for approval prior to the commencement of any new academic year.

The Act does not define "teaching." These regulations define it to include meaningful participation in bona fide components of an educational curriculum or plan, regardless of the duration or format of the particular program in which the covered senior employee participates. The statutory authority to "teach" for compensation thus includes permission to participate in the educational program of an accredited institution in the manner in which that institution plans and carries out its teaching function.

When speeches and lectures are sponsored by and presented within the overall educational program of an accredited institution, the Conference believes that they do not provide the occasion for any of the evils Congress was seeking to avert and accordingly, they should qualify as "teaching." Thus, a lecture, lecture series, symposia, moot courts, and jurist-in-residence programs may be compensated as "teaching," provided, of course, the strictures of the Codes of Conduct are met. Teaching may also include participation in programs sponsored by bar associations or professional associations or other established providers of continuing legal education programs for practicing lawyers. Participation in bar review courses or in the preparation and grading of bar examinations also qualifies as teaching.

The Codes of Conduct permit a covered senior employee to receive compensation for part-time teaching so long as (1) the compensation received is reasonable in amount and does not exceed that normally received by others for the same activity, (2) the source of the compensation does not give the appearance of impropriety, and (3) the teaching activity does not interfere with the performance of judicial duties. These requirements are continued as criteria for approval of teaching requests.

Covered senior employees who wish to participate in a symposium, lecture series, or other teaching activity of limited duration and receive compensation therefor must secure the same prior approval as those who teach conventional courses for compensation. No such approval is required for teaching when no payment is received or when payment is received only to reimburse the ordinary and necessary expenses incurred in providing the teaching services, such as travel, lodging, and meals for the covered senior employee and a relative accompanying him or her; such reimbursement of expenses is not "compensation." No prior approval is required for compensated teaching activity of an employee of the judicial branch whose basic pay is less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

In addition to the civil penalty provided in 5 U.S.C. app. 4, § 504(a), a judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act and any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

Notes:

1. The "Regulations of the Judicial Conference of the United States under Title VI of the Ethics Reform Act of 1989 concerning Outside Earned Income, Honoraria, and Outside Employment" were adopted on August 15, 1990, by the Judicial Conference, through its Executive Committee.
2. At its March 1991 session, the Judicial Conference amended these regulations to exclude part-time magistrate judges from the ban against the receipt of honoraria.
3. The regulations were amended at the Judicial Conference's September 1991 session to cover the Tax Court and the Sentencing Commission and to make certain technical corrections.
4. The Judicial Conference amended these regulations at its March 1992 session to (a) cover judges and employees of the Court of Veterans Appeals, (b) reflect amendments to the Ethics Reform Act relating to the definition of "honorarium" and the exclusion from the limitation on outside earned income of compensation from approved teaching activities by certain senior judges, and (c) to clarify when and under what circumstances prior approval for compensated teaching activities must be obtained.
5. At its March 1994 session, the Judicial Conference amended the definition of Administrative Office employees who are included in the term "judicial officer or senior employee."
6. At its September 1994 session, the Judicial Conference amended the definition of outside earned income in section 3(a)(1) to exclude income from national guard service; revised section 4(b)(2) to clarify that the requirement for approval of teaching activities extends only to covered senior employees; revised the definition of an honorarium in subsections 4(b)(3), (4), and (6) to exclude compensation for various artistic and athletic endeavors; amended section 4(c) to clarify when honoraria may properly be donated to charitable organizations; and made additional editorial revisions. The Commentary was also revised.
7. The Judicial Conference added a new section 2(c), excluding special government employees from these regulations, at its March 1996 session.

I. Tax Treatment of Honoraria Donated to Charity

26 U.S.C. § 7701. Definitions.

(k) Treatment of certain amounts paid to charity.--In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)--

(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

(2) no deduction shall be allowed under any provision of this title (or of any tax law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.



## APPENDIX IV

**REGULATIONS OF THE JUDICIAL CONFERENCE  
OF THE UNITED STATES UNDER TITLE III  
OF THE ETHICS REFORM ACT OF 1989 CONCERNING GIFTS**

**AUTHORITY:** Ethics Reform Act of 1989, Pub. L. No. 101-194, §§ 301 and 303, 103 Stat. 1716, 1745-1747 (1989), as amended by Pub. L. No. 101-280, amending 5 U.S.C. § 7351 and adding new § 7353 to 5 U.S.C. These regulations are promulgated by the Judicial Conference of the United States under the authorities of 5 U.S.C. §§ 7351(c), 7353(b)(1) and (d)(1)(C).

**§ 1. Purpose and Scope.**

- (a) These regulations implement 5 U.S.C. §§ 7351 and 7353, which prohibit the giving, solicitation, or acceptance of certain gifts by officers and employees of the judicial branch and provide for the establishment of such reasonable exceptions to those prohibitions as the Judicial Conference of the United States finds appropriate.
- (b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.
- (c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action.

**§ 2. Definition of "Judicial Officer or Employee."**

In these regulations, a "judicial officer or employee" means a United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee of the judicial branch other than an employee of the Supreme Court of the United States or the Federal Judicial Center.

**§ 3. Definition of "Gift."**

"Gift" means any gratuity, entertainment, forbearance, bequest, favor, the gratuitous element of a loan, or other similar item having monetary value but does not include: (a) modest items of food and refreshments, such as soft drinks, coffee and donuts, offered for present consumption other than as part of a meal; (b) greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation; (c) rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public.

**§ 4. Solicitation of Gifts by a Judicial Officer or Employee.**

- (a) A judicial officer or employee shall not solicit a gift from any person who is seeking official action from or doing business with the courts (or other employing entity), or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer or employee's official duties, including in the case of a judge any person who has come or is likely to come before the judge.
- (b) A judicial officer or employee shall not solicit a contribution from another officer or employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than himself or herself. This paragraph does not prohibit a judicial officer or employee from collecting voluntary contributions for a gift, or making a voluntary gift, to an official superior for a special occasion such as marriage, anniversary, birthday, retirement, illness, or under other circumstances of ordinary social hospitality.

**§ 5. Acceptance of Gifts by a Judicial Officer or Employee; Exceptions.**

A judicial officer or employee shall not accept a gift from anyone except for --

- (a) a gift incident to a public testimonial, books, tapes, and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the

improvement of the law, the legal system, or the administration of justice;

- (b) a gift incident to the business, profession or other separate activity of a spouse or other family member of an officer or employee residing in the officer's or employee's household, including gifts for the use of both the spouse or other family member and the officer or employee (as spouse or family member), provided the gift could not reasonably be perceived as intended to influence the officer or employee in the performance of official duties or to have been offered or enhanced because of the judicial employee's official position;
- (c) ordinary social hospitality;
- (d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;
- (e) a gift from a relative or close personal friend whose appearance or interest in a case would in any event require that the officer or employee take no official action with respect to the case;
- (f) a loan from a lending institution in the regular course of business on the same terms generally available to persons who are not officers or employees;
- (g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or
- (h) in the case of a judicial officer or employee other than a judge or a member of a judge's personal staff, a gift (other than cash or investment interests) having an aggregate market value of \$50 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this subsection shall not exceed \$100 in a calendar year;
- (i) any other gift only if:
  - (1) the donor has not sought and is not seeking to do business with the court or other entity served by the judicial officer or employee; or

- (2) in the case of a judge, the donor is not a party or other person who has come or is likely to come before the judge or whose interests may be substantially affected by the performance or nonperformance of his or her official duties; or
- (3) in the case of any other judicial officer or employee, the donor is not a party or other person who has had or is likely to have any interest in the performance of the officer's or employee's official duties.

#### **§ 6. Additional Limitations.**

Notwithstanding the provisions of section 5, no gift may be received by a judicial officer or employee in return for being influenced in the performance of an official act or in violation of any statute or regulation, nor may a judicial officer or employee accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the public office is being used for private gain.

#### **§ 7. Disclosure Requirements.**

Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts.

#### **§ 8. Advisory Opinions.**

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title III of the Ethics Reform Act of 1989 (5 U.S.C. §§ 7351 and 7353) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

#### **§ 9. Disposition of Prohibited Gifts.**

- (a) A judicial officer or employee who has received a gift that cannot be accepted under these regulations should return any tangible item to the donor, except that a perishable item may be given to an appropriate charity, shared within the recipient's office, or destroyed.

- (b) A judicial agency may authorize disposition or return of gifts at Government expense.

#### COMMENTARY

All officers and employees of the judicial branch hold appointive positions. Title III of the Act thus applies to all officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definition of "judicial officer or employee" does not include every judicial officer or employee whose conduct is governed by Title III. For purposes of Title III and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

These regulations do not repeal the gift provisions of the Codes of Conduct heretofore promulgated by the Judicial Conference. The scope of the gift provisions of the Codes exceeds that of these regulations and the statute, however, in that they impose certain responsibilities on an officer or employee with respect to the receipt of gifts by members of the officer's or employee's family residing in his or her household.

Section 5 of these regulations is based upon Canon 5C(4) of the Code of Conduct for United States Judges.

Reimbursement or direct payment of travel expenses, including the cost of transportation, lodging, and meals, may be a gift and, if so, its acceptance is governed by these regulations. A judge or employee may receive as a gift travel expense reimbursement for the judge or employee and one relative incident to the judge's attendance at a bar-related function or at an activity devoted to the improvement of the law, the legal system, or the administration of justice. A report of the payment of travel expenses as a gift or otherwise may be required on the Financial Disclosure Report.

A judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act. Any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

Notes:

1. The "Regulations of the Judicial Conference of the United States Under Title III of the Ethics Reform Act of 1989 Concerning Gifts" were adopted on May 18, 1990, by the Judicial Conference, through its Executive Committee.
2. On August 15, 1990, the Judicial Conference, through its Executive Committee, amended these regulations to implement the prohibition against gifts to superiors as required by the Ethics Reform Act of 1989, 5 U.S.C. § 7351.
3. At its March 1991 session, the Judicial Conference amended these regulations to include procedures for requesting advisory opinions from the Committee on Codes of Conduct interpreting Title III and these regulations.
4. These regulations were amended by the Judicial Conference at its September 1991 session to cover the Tax Court and the Sentencing Commission, exclude compensation for teaching received by senior judges from the 15% cap on outside earned income, and make certain minor technical corrections.
5. The Judicial Conference amended these regulations at its March 1992 session to cover judges and employees of the Court of Veterans Appeals.
6. At its September 1994 session, the Judicial Conference renumbered these regulations and revised them to include a new definition of the term "gift;" a new section 4(a) prohibiting the solicitation of gifts; revised sections 4(b), 5(b), and 6 incorporating general limitations on the acceptance of gifts; a new section 5(h) permitting most employees to accept gifts of minimal value; and a new section 9 regarding the return or disposal of gifts that may not properly be accepted.

**H. Limitations on Outside Earned Income and Employment**

**5 U.S.C. app. 4, §§ 501-505. Government-wide limitations on outside earned income and employment**

**§ 501. Outside earned income limitation**

**(a) Outside earned income limitation.--**

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

**(b) Honoraria prohibition.--**An individual may not receive any honorarium while that individual is a Member, officer or employee.

**(c) Treatment of charitable contributions.--**Any honorarium which, except for subsection (b), might be paid to a Member,

officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed \$2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

**§ 502. Limitations on outside employment**

**(a) Limitations.**--A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule, or in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule shall not--

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

**(b) Teaching compensation of justices and judges retired from regular active service.**--For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income--

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;



(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

### **§ 503. Administration**

This title shall be subject to the rules and regulations of--

(1) and administered by--

(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers and employees other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;

(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

### **§ 504. Civil penalties**

(a) **Civil action.**--The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than \$10,000 or the amount

of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

**(b) Advisory opinions.**--Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

#### **§ 505. Definitions**

For purposes of this title:

(1) The term "Member" means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term "officer or employee" means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

(3) The term "honorarium" means a payment of money or anything of value for an appearance, speech or article (including a series of appearances, speeches or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term "travel expenses" means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1986.

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